

ROB BONTA, State Bar No. 202668  
Attorney General of California  
DEBORAH B. WADLEIGH, State Bar No. 239550  
Supervising Deputy Attorney General  
COLIN A. SHAFF, State Bar No. 300301  
Deputy Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230  
Telephone: (213) 269-6039  
Fax: (916) 761-3641  
E-mail: Colin.Shaff@doj.ca.gov  
*Attorneys for Defendants*  
*G. Newsom, B. Cates, and C. Schuyler*

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ROBERT L. SANFORD,**

Plaintiff,

v.

**GAVIN NEWSOM, et al.,**

Defendants.

Kern County Superior Court No. BCV-21-100477-BCB

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(a) (FEDERAL  
QUESTION) AND DEMAND FOR JURY  
TRIAL**

TO THE CLERK OF THE COURT AND TO PLAINTIFF:

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants G. Newsom, B. Cates, and C. Schuyler hereby remove this action from the Superior Court of California, County of Kern, to the United States District Court for the Eastern District of California.

**I. THE REMOVED ACTION**

1. On March 8, 2021, the removed civil action titled Robert L. Sanford v. Gavin Newsom, et al., Case No. BCV-21-100477-BCB, was commenced in the Superior Court of California, County of Kern, as to Defendants G. Newsom, R. Diaz, K. Allison, B. Sanders, U.

1 Baniga, B. Cates, C. Schuyler, and S. Shiesha. A true and correct copy of the summons and  
2 Complaint is attached hereto as **Exhibit A**.

3 2. Plaintiff filed a First Amended Complaint on September 14, 2021, in which he named  
4 only Defendants G. Newsom and B. Cates. A true and correct copy of the summons and First  
5 Amended Complaint is attached hereto as **Exhibit B**.

6 3. Plaintiff filed a Second Amended Complaint on March 21, 2022, naming C. Schuyler,  
7 B. Cates and G. Newsom as Defendants. A true and correct copy of the summons and Second  
8 Amended Complaint is attached hereto as **Exhibit C**.

9 4. Plaintiff filed the operative Third Amended Complaint on August 1, 2022. The Third  
10 Amended Complaint alleges claims under the Eighth and Fourteenth Amendments relating to  
11 Plaintiff's exposure to COVID-19 while incarcerated in a California correctional institution. A  
12 true and correct copy of the summons and Third Amended Complaint is attached hereto as  
13 **Exhibit D**.

## 14 **II. REMOVAL IS TIMELY**

15 5. Following Defendants' demurrer to the Second Amended Complaint, the Court found  
16 that Plaintiff did not timely present a government claim pursuant to the California Tort Claims  
17 Act, nor did Plaintiff move to present a late claim. Accordingly, the Court sustained Defendants'  
18 demurrer to the first and second causes of action without leave to amend. However, the Court  
19 sustained Defendants' demurrer to the first cause of action is sustained with leave to amend, to the  
20 extent that Plaintiff's first cause of action alleges a claim under federal law.

21 6. Service of the Third Amended Complaint, the first pleading that asserted a federal or  
22 constitutional claim, was effectuated on Defendants C. Schuyler, B. Cates and G. Newsom on  
23 August 1, 2022, via U.S. Mail. Defendants received the Third Amended Complaint on August 4,  
24 2022. As such, this Notice of Removal is timely filed within thirty days of receipt of the pleading  
25 setting forth a federal question. 28 U.S.C. § 1446(b)(1).

## 26 **III. GROUNDS FOR REMOVAL: FEDERAL QUESTION JURISDICTION**

27 7. This Court has original subject-matter jurisdiction over this action because it arises  
28 under the U.S. Constitution and laws of the United States. 28 U.S.C. § 1331. The operative Third

1 Amended Complaint alleges violations of Plaintiff's rights under the Eighth and Fourteenth  
2 Amendments. Removal is therefore permitted under 28 U.S.C. § 1441(a) based on federal  
3 question jurisdiction.

4 8. The superior court has dismissed with prejudice any claims arising under state law;  
5 however, to the extent that such claims are alleged in the operative Third Amended Complaint,  
6 this Court has supplemental jurisdiction over any claims that arise of the same case or controversy  
7 as give rise to federal jurisdiction. 28 U.S.C. § 1367(a).

#### 8 **IV. VENUE**

9 9. Venue is proper in the United States District Court for the Eastern District of  
10 California, because it is the district embracing the Superior Court of California, County of Kern,  
11 in which the removed action is pending. 28 U.S.C. § 1441(a).

#### 12 **V. UNSERVED DEFENDANTS**

13 10. Defendants G. Newsom, B. Cates, and C. Schuyler have been served in this action.  
14 There are no unserved or defectively served defendants, and to the extent that such defendants  
15 exist, they are not required to join in or consent to the removal of the action under 28 U.S.C. §  
16 1446(b)(2)(A). *See Destfino v. Reiswig*, 630 F.3d 952, 957 (9th Cir. 2011).

17 11. As the only properly served defendants in this action at the time of the filing of this  
18 Notice, Defendants G. Newsom, B. Cates, and C. Schuyler join in seeking removal of the action  
19 to federal court, and need not obtain the joinder or consent of any other party to comply with 28  
20 U.S.C. § 1446(b)(2)(A).

#### 21 **VI. PAPERS FROM REMOVED ACTION**

22 12. In accordance with 28 U.S.C. § 1446(a), copies of "all process, pleadings, and orders  
23 served upon" Defendants G. Newsom, B. Cates, and C. Schuyler in the removed action are  
24 attached hereto as Defendants' Exhibits E-O. The documents include: Minute Order and Order to  
25 Show Cause, June 28, 2021 (Exhibit E); Plaintiff's Objection to Demurrer, July 7, 2021 (Exhibit  
26 F); Minute Order, August 26, 2021 (Exhibit G); Minute Order, September 7, 2021 (Exhibit H);  
27 Plaintiff's Ex Parte Motion Requesting an Extension of Time, October 24, 2021 (Exhibit I);  
28 Notice of Change of Address, November 3, 2021 (Exhibit J); Plaintiff's Objection to Demurrer to

1 First Amended Complaint, December 28, 2021 (Exhibit K); Minute Order, March 28, 2022  
2 (Exhibit L); Notice of Change of Address, April 12, 2022 (Exhibit M); Objection to Demurrer to  
3 SAC, May 8, 2022 (Exhibit N); Minute Order, May 26, 2022 (Exhibit O).

4 **VII. NOTICE TO ADVERSE PARTIES AND STATE COURT**

5 13. In accordance with 28 U.S.C. § 1446(d), Defendants G. Newsom, B. Cates, and C.  
6 Schuyler will promptly provide written notice of removal to all adverse parties and will promptly  
7 file a copy of this Notice of Removal with the Clerk of the Superior Court of California, County  
8 of Kern.

9  
10 Dated: August 29, 2022

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 DEBORAH B. WADLEIGH  
14 Supervising Deputy Attorney General

15 

16 COLIN A. SHAFF  
17 Deputy Attorney General  
18 *Attorneys for Defendants*  
19 *G. Newsom, B. Cates, and C. Schuyler*

20 LA2021601470  
21 65384322.docx  
22  
23  
24  
25  
26  
27  
28



# EXHIBIT A

SUM-100

# SUMMONS

## (CITACION JUDICIAL)

## NOTICE TO DEFENDANT:

## (AVISO AL DEMANDADO):

GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, BRIAN CATES,  
C. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA  
CORRECTIONAL INSTITUTION, DOES 1 to 5  
YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Robert L. Sanford;

FOR COURT USE ONLY  
(SÓLO PARA USO DE LA CORTE)

FILED

KERN COUNTY SUPERIOR COURT  
03/09/2021BY Munoz Alvarez, Sophia  
DEPUTY

NOTICE: You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. (AVISO: La han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.)

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda dasechar el caso.

The name and address of the court is: SUPERIOR COURT OF CALIFORNIA  
(El nombre y dirección de la corte es): 1415 Truxtun Avenue  
Bakersfield, CA 93301-4172

CASE NUMBER: (Número del Caso):

BCV-21-100477

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Robert L. Sanford CDCR# V-25176 (Plaintiff) California Correctional Institution  
Facility (A) Briggs Hall-20L, P.O. Box 107, Tehachapi, Calif 93581

DATE:

Signed: 3/9/2021 03:10 PM

Tamarah Harber-Pickens

Clerk, by

(Secretario)

Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario: Proof of Service of Summons, (POS-010).)



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☒ as the person sued under the fictitious name of (specify): California Correctional Institution.
- ☐ on behalf of (specify):  
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☒ CCP 416.90 (authorized person)  
☐ other (specify):
- ☐ by personal delivery on (date)

Page 1 of 1



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
BAKERSFIELD COURT  
1415 TRUXTUN AVENUE  
BAKERSFIELD CA 93301**

FOR COURT USE ONLY

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

MARCH 09, 2021

By Sophia Munoz Alvarez DEPUTY

**PLAINTIFF/PETITIONER:**  
**ROBERT L SANFORD**  
**DEFENDANT/RESPONDENT:**  
**GAVIN NEWSOM**  
**RALPH M DIAZ**  
**KATHLEEN ALLISON**

**NOTICE OF ASSIGNMENT TO JUDGE FOR ALL PURPOSES AND  
NOTICE OF ORDER TO SHOW CAUSE RE CRC RULE 3.110 AND  
NOTICE OF CASE MANAGEMENT CONFERENCE**

CASE NUMBER:

BCV-21-100477

By order of the presiding judge, the above entitled case is assigned to the Honorable David R. Lampe for all purposes. It will be managed on the direct calendar program in Bakersfield Department 11 until its conclusion. Peremptory challenges, if any, must be made within the times set out in CCP §170.6. Please include the initials DRL after the case number on all future pleadings filed in this case.

**TO PLAINTIFF AND PLAINTIFF'S COUNSEL:**

You are ordered to appear on **June 21, 2021** in **Bakersfield Department 11** at **9:15 AM** in the above entitled court to give any legal reason why sanctions shall not be imposed for failure to serve the complaint on all named defendants and file proof(s) of service with the court within sixty (60) days after the filing of the complaint pursuant to California Rules of Court, Rule 3.110. All appearances are mandatory, unless the court receives the required proof(s) of service five (5) court days prior to the hearing date, and then no appearance is necessary.

**TO EACH PARTY AND THEIR RESPECTIVE ATTORNEY(S) OF RECORD:**

This case is set for Case Management Conference, by the Honorable David R. Lampe on **September 07, 2021** at **9:15AM** in **Bakersfield Department 11** of the above entitled court. Case management statements are to be filed at least fifteen (15) days prior to the conference in accordance with California Rules of Court, Rules 3.720 – 3.730. All parties shall comply with California Rules of Court, Rules 3.720 – 3.730.

**NOTICE TO PLAINTIFF'S COUNSEL**

**IMPORTANT:** You are required to serve this Notice of Assignment and Notice of Order to Show Cause Date and Notice of Case Management Conference Date with the Summons, Complaint [Local Rule 3.7(a)], Alternative Dispute Resolution (ADR) Information Packet, and ADR Stipulation and Order Form (California Rules of Court, Rule 3.221).

**NOTICE TO CROSS COMPLAINANT'S COUNSEL**

**IMPORTANT:** If you are bringing a cross complaint against new parties, you are, likewise, required to serve this Notice of Assignment pursuant to California Rules of Court, Rule 3.110 and Notice of Order to Show Cause date and Notice of Case Management Conference date on the new cross defendants.

**TAMARAH HARBER-PICKENS**  
CLERK OF THE SUPERIOR COURT

Date: March 09, 2021

By: Sophia Munoz Alvarez  
Sophia Munoz Alvarez, Deputy Clerk

SANFORD VS NEWSOM

BCV-21-100477

The Clerk of the Superior Court's office has received a civil complaint from you for filing. Pursuant to the Trial Court Delay Reduction Act, your case has been assigned to the Honorable David R. Lampe as monitoring judge.

Judge David R. Lampe has instituted a direct calendaring system for all cases assigned to him/her as the monitoring judge.

All law and motion, case management and trial setting conferences, ex parte matters and trials will be scheduled before him/her in Bakersfield Department 11. This will involve all cases in which the clerk has assigned the initials DRL to the complaint at the time of filing. Counsel is expected to make the initials of the monitoring judge a part of the case number on all pleadings and papers.

Law & Motion and Ex-Parte hearing dates must be pre-cleared by contacting the Direct Calendaring Clerk at 661-868-5414. Tentative rulings can be located by visiting "<http://www.kern.courts.ca.gov/>", after 4:00 pm. Click on the Non-Criminal Case Information link to enter the case number. Please note, not all departments provide tentative rulings.

At the time of filing the complaint, plaintiff's counsel will be given a Notice of Case Management Conference which sets a conference approximately one hundred eighty (180) days after filing of the complaint. This notice must be served with the summons and complaint on all defendants. Defendants must serve the notice on all cross-defendants named. The notice must also be served on interveners and lien claimants.

Telephonic appearances for case management conferences and law and motion hearings are available through Court Call. The toll free telephone number for Court Call is (888) 88-COURT. Proper procedures must be complied with under California Rules of Court, Rule 3.670. Arrangements to make appearances through Court Call must be made at least five (5) court days prior to the hearing date.

Another judge will hear settlement conferences in cases assigned to Judge David R. Lampe. However, those cases that do not settle will be set for trial before him/her.



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
SPECIAL RULES RELATING TO CASE MANAGEMENT CONFERENCES**

At least fifteen (15) days prior to the case management conference, each party shall prepare, file and serve on each other party a case management conference statement providing the Court with the following information:

1. The "at-issue" status of the case including any new parties that may be contemplated;
2. A brief statement of the type of case and the general facts or contentions;
3. A description of the discovery done to date and that contemplated to be done;
4. Estimated time for trial and whether a jury is demanded;
5. Whether or not the case is entitled to priority in trial setting and if so, the legal authority thereof;
6. An evaluation of the case for alternative dispute resolution, including arbitration (judicial or binding), mediation or private judge handling;
7. If a person injury action, a description of the injuries sustained by each plaintiff and the elements of claimed damage;
8. A statement of any settlement negotiations undertaken thus far;
9. The name of the attorney primary responsible for the case on behalf of the party filing the statement.

More than one party may join in the filing of a single statement.

The case management conference shall be attended by the attorney primarily responsible for the case on behalf of each party or a member of his or her firm or counsel formally associated in the case. The attorney attending shall be thoroughly familiar with the case, and be able to engage in meaningful discussions with court and counsel, and to enter into agreements on behalf of his or her client on the following subjects:

1. The "at-issue" status of the case including the dismissal of the unnamed doe defendants or cross-defendants by agreement of all parties;
2. Discovery conducted and remaining to be done;
3. Amenability of the case to alternative dispute resolution including, but not limited to, arbitration (judicial or binding), mediation, and private judge handling;
4. Delineation of issues including stipulation of facts not in substantial controversy;
5. Settlement prospects;
6. Setting the matter for trial, pre-trial conferences, settlement conference or further case management conference;
7. Any other matters relevant to the processing of the case to a final resolution.

Any violation of these rules shall result in the imposition of substantial sanctions which may include monetary, issue, termination, or other appropriate sanctions.

SANFORD VS NEWSOM  
BCV-21-100477

**CERTIFICATE OF POSTING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Notice of Assignment/Notice of Order to Show Cause Re CRC 3.110/Notice of Case Management Conference* attached hereto on all interested parties and any respective counsel of record in the within action by posting true copies thereof, to the Superior Court of California, County of Kern, Non-Criminal Case Information Portal (<https://odyprodportal.kern.courts.ca.gov/portalprod>).

Date of Posting: March 09, 2021

Place of Posting: Bakersfield, CA


I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**TAMARAH HARBER-PICKENS**  
CLERK OF THE SUPERIOR COURT

Date: March 09, 2021

By: Sophia Munoz Alvarez  
Sophia Munoz Alvarez, Deputy Clerk

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Robert L. Sanford, CDCR#V-25176, Fac (E), Briggs Hall P.O. Box 107, Tehachapi, Calif 93581		FOR COURT USE ONLY  FILED SUPERIOR COURT, METROPOLITAN DIVISION COUNTY OF KERN MAR 28 2021 BY  DEPUTY
TELEPHONE NO.: ATTORNEY FOR (Name): In Propria Persona,	FAX NO.:	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Kern County STREET ADDRESS: Metropolitan Division MAILING ADDRESS: 1415 Truxtun Avenue CITY AND ZIP CODE: Bakersfield, Calif 93301-4172 BRANCH NAME: SUPERIOR COURT		
CASE NAME: Robert L. Sanford vs. Gavin Pearson, et al		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
		CASE NUMBER: BCN. 21-100477 JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input checked="" type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practices (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation</b> (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary    b. ☒ nonmonetary; declaratory or injunctive relief    c. ☒ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 22, 2021

Robert L. Sanford

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2



CM-010

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

## Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04):  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (not asbestos or toxic/environmental) (24)  
Medical Malpractice (45)  
Medical Malpractice—  
Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PIPD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PIPD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PIPD/WD

## Non-PIPD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (not medical or legal)  
Other Non-PIPD/WD Tort (35)  
Employment  
Wrongful Termination (36)  
Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease:  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Variety Breach—Seller Plaintiff (not fraud or negligence)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally complex) (18)  
Auto Subrogation  
Other Coverage

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (25)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (23)  
Environmental/Toxic Tort (36)  
Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award (not unpaid taxes)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint Case (non-tort/non-complex)  
Other Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition



1 Robert L. Sanford  
CDCR#V-25176 BH 20L  
2 California Correctional Institution  
P.O. Box 107  
3 Tehachapi, CA 93581  
In ProPria Persona,

FILED  
SUPERIOR COURT METROPOLITAN DIVISION  
COUNTY OF KERN  
MAR 08 2021  
BY SM DEPUTY

4  
5  
6  
7 SUPERIOR COURT OF CALIFORNIA  
FOR THE COUNTY OF KERN  
8

9 Robert L. Sanford;  
Plaintiff

CASE NO.: BCN-21-100477

10 v.

11 GAVIN NEWSOM; RALPH M. DIAZ; KATHLEEN ALLISON;  
B. CATES; C. SCHUYLER; B. SANDERS; S. SHIESHA;  
12 U. BANICA; CALIFORNIA CORRECTIONAL INSTITUTION;  
DOES 1 TO 5.  
13 Defendants,

- 1.) NEGLIGENCE
- 2.) INTENTIONAL TORT
- 3.) DEPENDENT ADULT/ABUSE/  
NEGLECT COMPLAINT, UNLIMITED  
CIVIL ACTION.
- 4.) UNLIMITED ACTION EXCEEDING  
\$25,000. CCP §§ 85(a), 86(a)
- 5.) GROSS NEGLIGENCE

14  
15 TRIAL BY JURY DEMANDED  
16 COMPLAINT FOR MONEY DAMAGES AND INJUNCTION

17 I. JURISDICTION

18 1. Plaintiff now brings this lawsuit pursuant to California Constitution,  
Article VI, § 10; ART. VI, § 11; and ART. I, § 16. Section 395

19 II. VENUE

20 2. Section 395, County in which the Defendants reside: Personal injury;  
The injury involved with filing this Civil Action Tort occurred within this  
the County of Kern, The Defendants listed are all employees of the California  
Department of Corrections, except Governor Newsom who is the head of the  
21 Executive Branch of Government in California, and CDCR, and this is proper Venue.

22 3. III. LIST OF PARTIES TO THE ACTION

23 3. Plaintiff: Robert L. Sanford, CDCR# V-25176 was at all times relevant  
to this action a prisoner incarcerated at the California Correctional Institu-  
24 tion, which is located in the District of Kern County.

25 4. Defendant: GAVIN NEWSOM, was at all times relevant to this action as the  
GOVERNOR OF THE STATE OF CALIFORNIA and was acting under the color of state and  
26 federal law. By statute and his own, and Presidential executive orders for  
ensuring the safety and wellbeing of prisoners along with citizens of California  
27 under his supervision.

1 5. Defendant: RALPH M. DIAZ was at all times relevant to this action from  
2 March 2020, until October 2020, as the SECRETARY OF CALIFORNIA DEPARTMENT OF  
3 CORRECTIONS AND REHABILITATION, hereinafter (CDCR), and CALIFORNIA CORRECTIONAL  
4 INSTITUTION, and was acting under the color of State and Federal law. By statute  
and executive orders by himself, Gov. of Cal. and U.S. President as he is re-  
sponsible for ensuring the safety and well-being of prisoners under his  
supervision.

5 6. Defendant: KATHLEEN ALLISON was at all times relevant to this action up  
6 until the retirement of Defendant RALPH M. DIAZ on October 1, 2020, where she  
7 has replaced him as SECRETARY OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
8 REHABILITATION, hereinafter (CDCR), and CALIFORNIA CORRECTIONAL INSTITUTION,  
and was acting under the color of State and Federal law. By Statute and execu-  
tive orders by herself, Gov. of Cal, and U.S. President she is responsible for  
ensuring the safety and well-being of prisoners under her supervision.

9 8. Defendant: B. CATES was at all times relevant to this action THE (A)  
10 WARDEN at CALIFORNIA CORRECTIONAL INSTITUTION and was acting under the color of  
11 State and Federal law. By Statute and the executive orders of U.S. PRESIDENT;  
12 CALIFORNIA STATE GOVERNOR; AND CDCR SECRETARY, he is responsible for ensuring  
the safety and well-being of of prisoners under its supervision or within the  
confines of CALIFORNIA CORRECTIONAL INSTITUTION, hereinafter CCI.

13 9. Defendant: C. SCHUYLER was at all times relevant to this action The  
14 CHIEF DEPUTY WARDEN at CALIFORNIA CORRECTIONAL INSTITUTION, hereinafter CCI, and  
15 was acting under the color of State and Federal law. By Statute and executive  
orders of the U.S. PRESIDENT; CALIFORNIA STATE GOVERNOR; SECRETARY OF CDCR;  
AND (A) WARDEN CCI, he is responsible for ensuring the safety and well-being of  
prisoners under his supervision or within the confines of CCI.

16 10. Defendant: B. SANDERS, was at all times relevant to this action as The  
17 ASSOCIATE WARDEN at CCI and was acting under the color of State and Fedral law.  
18 By Statute and the executive orders of U.S. PRESIDENT; CALIFORNIA SATTE GOVERNOR;  
SECRETARY OF CDCR; AND WARDEN CCI, he is responsible for ensuring the safety  
and well-being of prisoners under his supervision or within the confines of CCI.

19 11. Defendant: S. SHIESHA was at all times relevant to this action as The  
20 CHEIF MEDICAL OFFICER at CCI, and was acting under color of State and Federal  
21 law. By Statute and executive orders by himself, U.S. PRESIDENT; Gov. of Cal;  
CDCR Secretary; Warden CCI; he is responsible for ensuring the safety and well-  
being of prisoners under his supervision or within the confines of CCI.

22 12. Defendant: U. BANIGA was at all times relevant to this action as the  
23 CHIEF PHYSICIAN SURGEON at CCI was acting under color of State and Federal law.  
24 By Statute and the executive orders of U.S President; Gov. of Cal: Secretary  
of CDCR; Warden CCI; he is responsible for ensuring the safety and well-being  
of prisoners under his supervision or within the confines of CCI.

25 13. Defendant: CALIFORNIA CORRECTIONAL INSTITUTION was at all times relevant  
26 to this action, a PRISON INSTITUTION CORPORATION and was acting under the color  
27 of State and Federal law at all times. By Statute California Correctional Inst-  
itution hereinafter ("CCI") and by executive orders of U.S. President; Gov.  
of Cal. ; Secretary of CDCR; Warden at CCI; he is responsible for ensuring the  
safety and well-being of prisoners under his supervision or within the Confines

1 of CCI.

2 14. Defendant: DOE DEFENDANT 1 To 5, are unknown actors that had partic-  
 3 ipated in violating Plaintiff's rights, and at all times relevant to this  
 4 action, are unknown at this time actors who were acting under the color of  
 5 State and Federal Law. By Statute and executive orders of the U.S. President;  
 6 Gov. of Cal.; Secretary of CDCR. They are responsible for ensuring the safety  
 7 and well-being of prisoners under their supervision.

8 15. AT ALL TIMES RELEVANT TO THIS ACTION, ALL THE DEFENDANTS LISTED ABOVE  
 9 ARE SUED INDIVIDUALLY AND OFFICIALLY, THEY ARE SUED SEVERALLY AND INDIVIDUALLY  
 10 IN THIS ACTION.

#### 11 IV. EXHAUSTION OF REMEDIES

12 16. On or about July 31, 2020, Plaintiff, filed a GOVERNMENT TORT CLAIMS, re-  
 13 garding the issues raised in this complaint. Plaintiff had prepared his  
 14 GOVERNMENT TORT CLAIM FORMS, WITH EXHIBITS ATTACHED. And they have addressed it  
 15 to the GOVERNMENT CLAIMS PROGRAM. OFFICE OF RISK AND INSURANCE MANAGEMENT  
 16 DEPARTMENT OF GENERAL SERVICES P.O. BOX 989052, MS 414. West Sacramento, CA  
 17 95798-9052. Claim #19005866, as this claim is timely, on or about February  
 18 2021, Plaintiff Robert L. Sanford mailed letters to GAVIN NEWSOM THE GOVERNOR  
 19 OF CALIFORNIA, RALPH M. DIAZ/KATHLEEN ALLISON SECRETARY OF CDCR, B. CATES THE  
 20 WARDEN (A) CCI, regarding demands to be released or to comply with the safety  
 21 protocols in response to COVID-19 be made. The overcrowding in the Prison makes  
 22 it impossible to social distance, and that releasing Plaintiff from prison  
 23 because he poses no unreasonable risk to public safety, his CDCR CASE RISK  
 24 ASSESSMENT SCORE (CSRA) is a 1/low, he has completed the full term of his primary  
 25 offense and is only serving enhancement term pursuant to Penal Code §667(a)(1),  
 26 and is eligible for parole, as for his safety, as this was not responded to as  
 27 well from the letters. Additionally Plaintiff filed an 602 HC Appeal GRIEVANCE  
 regarding Plaintiff having health conditions that make him a higher risk to  
 COVID-19 and asked the Warden B. Cates at CCI to perform a commitment recall  
 to release Plaintiff, who has now contracted COVID-19 not once but twice,  
 meaning two (2) times, on July 11, 2020, and again tested positive in October  
 2, 2020, Plaintiff requested Warden in grievance to make the prison a safer  
 environment. The appeal was returned, with CCI refusal to comply with the facts  
 inmates/prisoners are contracting COVID-19 at CCI, and they are trying to  
 avoid liability of the injury their causing. EXHIBIT "A"

#### 21 V. FACTUAL ALLEGATIONS OF THE COMPLAINT

22 17. Beginning or about the Month of March 2020, California Governor Gavin  
 23 Newsom made an executive order regarding COVID 19 new STAY AT HOME order and  
 24 practice social distancing at SIX FEET APART, and wearing face masks and con-  
 stantly washing your hands.

25 18. On or about the end of March through the middle of June 2020, SIERRA  
 26 CONSERVATION CENTER hereinafter SCC, where Plaintiff was housed until June  
 27 18, 2020, where Plaintiff was transferred to CALIFORNIA CORRECTIONAL INSTITUTION  
 CCI, at Tehachapi State Prison, as both of these prisons/institutions had been  
 "failing" to take adequate safety measures regarding the Presidential and Gov-  
 ernor's Executive Orders to practice such measures as social distancing,



1 enforcement of adequate face masks, providing continuous hand sanitizers to  
all inmates, and wear gloves when searching inmates and cells/ dorm living  
2 areas. The Correctional Officers here at CCI refused to wear wear their masks  
and gloves, making a BAD EXAMPLE on how the Institutional Officials and inmates  
3 should be practicing safety protocols which are mandated by Presidential,  
Governor's, and Ralph M. Diaz/ Kathleen Allison (Secretary of CDCR) orders to  
4 carry-out safety protocols to ensure institutional safety from the outbreak  
of COVID-19.

5  
6 19. On June 18, 2020 through July 11, 2020, and ongoing, CALIFORNIA CORREC-  
TIONAL INSTITUTION (CCI) had been creating a dangerous environment, that has  
caused Plaintiff injury, by deliberately disregarding the Executive Orders  
7 to practice social distancing (Six Feet Apart), and placed this Plaintiff in  
an extremely dangerous environment to the exposure of COVID-19, where Plaintiff  
8 was tested positive two different times, as causing Plaintiff injury without  
being able to smell or taste, coughing up blood clots, and shortness of breath  
9 has been some of the symptoms that has diminished Plaintiff's quality of life.  
The cause that exposed Plaintiff to be exposed to COVID-19, by:

10 1.) PACKING INMATES WITHIN CDCR INTO CROWDED CONDITIONS, to the point inmates  
are so tightly packed together its like being in a sardine can. The dorms and  
11 housing units are so crowded there is no possible way to social distance, in  
any way, without lowering the amount of inmates housed in these dorms.

12 2.) On June 18, 2020, Plaintiff Robert L. Sanford arrived at CCI, after being  
transferred from SCC in Jamestown, California, where he had filed complaints  
13 regarding the overcrowded conditions of the dorms at SCC that continuously put  
inmates in an unreasonable risk of danger of contracting COVID-19, by not  
14 complying with social distance protocols. However, Plaintiff was removed from  
one dangerous environment at SCC, right into another at CALIFORNIA CORRECTIONAL  
15 INSTITUTION in TERACAPI, California CCI, upon arrival on 06/18/20, Plaintiff  
was housed in Van Weston Up, a (two-man cell), and only housed there because  
16 we were new arrivals and suppose to have 14-Day quarantine. On June 21, 2020  
only two days after arriving a major outbreak occurred here at CCI, infecting  
17 inmates and staff with more than 60 cases that I'm aware of, this number could  
be and likely is much higher. Plaintiff was tested on 6/21/20 for COVID-19  
18 although he was tested before arriving at CCI once on 6/5/2020, 6/10/20, and  
6/15/20, this Plaintiff was tested atleast four times in the month of June 2020,  
19 before Plaintiff even was housed at CCI. Plaintiff was moved from Van Weston  
Upper on CCI (E-Facility) to another housing unit approximately 10 days from  
20 arriving at CCI, to CLARK HALL LOW bed 1-low. At this time there was more than  
100 to 120 inmates housed in this unit at CCI, inmates were stacked on top of  
21 each other with six inmates sharing less that Three-Foot-Of-Distance between  
on side of the bunk/bed area, inmates constantly complaining about fever, coughing,  
22 headaches, being forced to line up for temperature checks, no masks enforcement  
No disinfectant, No ventilation, the dorm so overly crowded, that inmates are  
23 bumping into each other, being able to use only 6 of the working-toilets,  
where more than 100 inmates with less than 14 day quarantines, traveling from  
24 CDCR Prison to CDCR Prison, SCC, CCI, In Plaintiff's .

25 3.) The chow hall at CCI is a mess, the inmates assigned to clean the tables  
are wiping the tables with watered down cleaning fluid, not bleach, or another  
26 cleaning agent designated specifically to sanitize an kill COVID-19 virus,  
where CCI crowds into a waiting area, approximately 100 inmates at the same  
27 time. there is absolutely no possible way for you not to touch one another,  
inmates are then seated inches apart to eat their meal, this is a all time high

1 of the inmate-every-day-to-day, to eat the scheduled morning and evening meals  
and a extremely crowded area with the massive population here at CCI

2 4.) On July 10, 2020, the whole dorm in CLARK LOW, was told to pack their  
3 property the whole dorm, is moving to REX DEAL, where CCI was "Playing a  
musical Building-to-Building game" moving more than 100 inmates at a time, being  
4 forced to comply with these administrative decisions, moving contaminated  
conditions into another contamination, only amounts to another infected  
5 contamination, as is what, infected Plaintiff on the date July 10, 2020, as  
how Plaintiff, washing clothes on the 11, of July, that following morning  
6 after trying to clean my new living area in REX DEAL DORM, with no disinfectant,  
during that morning we all had temperature checks. Upon discovering I could  
7 not smell the cloths I was washing, afterwards I tried to eat something only  
to realize, can't taste, I have to come to the real possibility I have been  
8 infected with this deadly virus of COVID-19, I immediately inform these two  
nurses, there only take temperatures on July 11, 2020 at approx 9 am  
9 JANE DOE #1 and JANE DOE #2, in REXDEAL DORM on FACILITY E. After expressing  
the symptoms I was [I] Plaintiff experiencing, being unable to smell or taste,  
10 JANE DOE #1 and JANE DOE #2 left Rex DEAL, and returned within the hour with  
a COVID-19 test applicator and bottle, inserting the stick into my left nostril  
11 and then told me I will be moving from Rex Deal to another housing unit.  
Plaintiff was moved to Van Weston low, tank bed #1, I was the only person in  
12 this tank. I was now being temperature checked two times a day along with having  
vitals checked, where I was still unable to smell or taste, having shortness  
13 of breath, and coughing up blood clots. Plaintiff was not told at any time  
for five days, that I was confirmed positive with COVID-19, until July 16, 2020,  
14 where at this time Plaintiff was informed he had to move to Clark Hall low again  
this is where infected inmates had to be housed for 14 day quarantine at CCI.

15 5.) Inmates are being constantly shifted from one building to another, where  
16 one infected inmate is replaced with another, there is no cleaning supplies  
provided that ensure the fact it kills the COVID-19 virus, and to now be put  
17 right back into another dangerous environment of infected inmates in CLARK  
HALL Low, where Plaintiff believes he originally contracted the deadly virus,  
18 and then was transferred to REX DEAL DORM, and Then to VAN WESTON TANK, back  
to Clark Hall, all within one week, where these Dorms housed over 100 inmates  
19 that were continuously being infected on a daily basis, these overcrowded dorms  
put inmates at CCI in an unreasonable risk of danger from contracting COVID-19.

20 PLAINTIFF GIVES NOTICES, TO DEFENDANTS ABOUT DANGEROUS CONDITION.

21 20. On July 14, 2020, Plaintiff filed a HC-602, expressing the danger of the  
22 overcrowded dorms he was forced to be housed in at CCI. For the fact this is  
not just a CCI problem but also a systemic problem throughout CDCR, where SCC  
23 was also put on notice of this dangerous condition of overcrowded dorms on  
April 28, 2020 (#SCC-HC-200000129) Exhibit A, where all 602's filed regarding  
24 the dangers of overcrowded dorms. Plaintiff also gave notices of these dangers  
to J. Clark Kelso, the Federal appointed Receiver over medical issues within  
25 CDCR, his response to Plaintiff's concerns, were that he was aware of the pre-  
existing medical issues Plaintiff was suffering from on 5 / 15 / 2020, these  
26 facts are outlined with the CALIFORNIA CORRECTIONAL HEALTH ACRE SERVICES  
located P.O. Box 588500 Elk Grove, CA 95758-8500. Plaintiff outlined facts  
27 that continue to exist to this current day, there is no social distancing  
available at all here at CCI, and at SCC, which is also a CDCR jurisdiction,



21. Plaintiff made every effort possible to administratively address his concerns, regarding the dangerous conditions he was forced to live in that continued to put him in an unreasonable risk of danger of contracting the covid 19 that has ultimately infected Plaintiff Robert L. Sanford, on two different occasions due to overcrowded dorms that are a dangerous environment.

22. Plaintiff gave absolute notice at every step of this dangerous condition that was no doubt inevitable to happen, with the conditions that inmates are subjected to Day-to-day, 24 hours. As Defendants were aware or should have been aware of the dangers that happened and continued to happen here at this prison facility CCI, and killing inmates under their supervision, due to the Actions of CDCR Staff, being allowed to transfer inmates from prison to prison not being properly quarantined, as the 14 day protocols call for in the executive orders issued by Governor Newsom, and CDCR Secretary (Ralph M. Diaz/Kathleen Allison) and due to these actions that put inmates at an unreasonable risk of harm and danger of contracting Covid-19, certainly constitutes an intentional tort, and General Negligency along with Gross Negligence, to the health and safety of Plaintiff, even after being carefully warned of the dangers, these defendants and their agents within CDCR [SCC and CCI] had opportunity to prevent the spread of Covid-19 here at the CCI facility that has caused injury and death of.... These Defendants could have acted with releasing Plaintiff, or placing him in a safer environment to prevent him from now suffering the lingering effects of Covid-19, as outlined earlier Plaintiff poses no unnecessary risk of danger to the public in any way, by being a level (1) inmate with a case risk score of 1/low, along with the fact he has completed the full term of his primary offense, and is only serving prior enhancement terms under (Penal Code 667(a)(1)), has completed all his rehabilitation needs (GED, College, NA/AA and much more...)

23.) Because Gov. Newsom Defendant in this action, issued forth executive orders to practice safety protocols, while at the same time he failed to enforce these protocols within the prisons, and deliberately refused to employ these safety measures for the protection of inmates at/in prison. There was no action made to enforce his own executive orders, as it is clearly noted he has himself not complied fully with his own protocols, thus he had an obligation as Governor of this state to enforce Executive Orders that was issued by the U.S. President and himself. Instead he did nothing and now Plaintiff is suffering physical and mental effects, that diminishes the quality of Plaintiff's life, now being unable to smell, taste, coughing up blood clots, severe joint pain, constant headaches not able to sit up for a period of time to read a book, fatigue, and these conditions continue to injure plaintiff to this very moment.

24. Plaintiff mailed a letter to DEFENDANT RALPH M. DIAZ/KATHLEEN ALLISON (Secretary of the California Department of Corrections and Rehabilitation), at their headquarters located at 1515 S. street, P.O. Box 942883, Sacramento, CA 94283-0001. This Defendant[s] were at all times being notified to the facts that CCI and its agents continue to refuse to follow safety measures in line with the Presidential and Governor executive orders regarding Covid-19. Even after Ralph M. Diaz issued a CDCR institutional wide TV broadcast on prison channel, he outlined the plan that instructed prisons to practice social distancing, wear masks, and be provided constant hand sanitizers, and disinfectants to be used constantly in restrooms, showers, tables and everywhere inmates are, Plaintiff informed Defendants in this action, their are still factors being overlooked such as inmates with pre-existent medical conditions that are at a substantial higher risk of contracting Covid-19.

1 25. Plaintiff made every possible effort available to him administratively, and  
 2 pro-actively to address his concerns of being infected with this very deadly  
 3 virus of covid-19, due to his pre-existing medical conditions that put him at  
 4 a higher risk of danger, with the da[ngerous]conditions he was forced to live  
 5 in that continues to put inmates in extremely overcrowded dorms, that are  
 6 not in compliance with the protocols set out in the executive orders issued by  
 7 the President and the Governor, where these living conditions are to create  
 8 social distance, where its a fact CCI, and SOC, never complied with this directive  
 9 issued in the executive orders by Diaz, Allison or Bates, and resulted in a  
 10 dangerous condition that injured and infected Plaintiff with Covid-19, where he  
 11 now suffers a diminishing quality of life, not being able to smell, taste, coughing  
 12 up blood clots, shortness of breath, severe joint pain, headaches, that can now  
 13 be contributed to Covid-19 and the recent medical study that identifies these  
 14 symptoms as "Long Haulers Effect" there are other contributing factors that are  
 15 of major concern.

16 26. These symptoms include the fact, of the risk of increased hypertension that  
 17 increases the chance of cardiomyopathy, whereas Plaintiff also suffers from  
 18 depression and mental anguish, primarily due to the loss of family members from  
 19 this deadly Covid-19 disease by name (uncle Arthur "Tuggy" Sanford, uncle, Leonard  
 20 Jones, uncle Mark Lampkins, aunt Judy Jones) their loss to our family is a huge  
 21 lost of family support and community support. This has had a devastating effect  
 22 upon me because, I can't be there, and now I am suffering from the same fate  
 23 that has caused their deaths, has a deep impact on my depression with the very  
 24 likely possibility I will have to face this dilemma absolutely alone without my  
 25 family, just as they have felt with me not being able to be there for them in  
 26 their time of need, is a hard fact to face.

27 27. Plaintiff has been unable to have any physical visiting whatsoever since the Covid-19 epidemic  
 28 occurred, and this fact continues to this very day, and this is another certain fact that contributes  
 29 to my depression and now having to be concerned with the diminishing quality of life I am now  
 30 suffering from day-to-day, having to be forced to live in dangerous conditions that don't provide  
 31 adequate disinfectant supplies, social distance in bed areas with six (6) Feet distance between  
 32 each inmate and petitions, that are suppose to be used to help prevent the spread of social distance  
 33 in the prison dorm setting is not, I repeat not being used as posted in memorandums, and directives  
 34 as measures being taken by the Department CCR have not done. See Exhibit B, that shows how the  
 35 bed positioning is not in compliance with executive orders as Plaintiff has been continue to  
 36 outline every point and adding drawings of dorms at SOC, and CCI that shows there is no way of pro-  
 37 viding social distance and puts inmates at an unreasonable risk of danger of contracting Covid-19  
 38 where, it has infected Plaintiff and now prevents him from enjoying basic quality of life.

39 28. Defendants mentioned herein all failed to take their responsibility serious and ignored their  
 40 duties to provide a safe environment to Plaintiff, that ultimately infected him with the Covid -19  
 41 virus at this facility CCI, two different times, while Plaintiff is still being subjected to an on-  
 42 going - - - dangerous condition.

43 29. Its a fact CCR Secretary Ralph M. Diaz/Kathleen Allison owes a duty to take measures to  
 44 make the prison a safer environment, where they have the authority to to enforce them at CCI was  
 45 not acting on the executive orders and mandates to practice social distancing, and even after  
 46 the constant warnings of these facts associated with being infected by this deadly disease Plaintiff  
 47 was told by the medical staff at SOC when he first brought this matter to the attention of the  
 48 medical staff in "HC 602 Appeal # SOC HC01 2000013 : stated ; 'Facility and living conditions are  
 49 not health care services issues over which California Correctional Health Care Services has



1 no jurisdiction. As to your concerns should be addressed through the appropriate custody channels  
 2 at your institution" See supporting facts of this document submitted by the Health Care Services  
 3 where there is no identifiable signature to who is held liable as the Health Care Representative  
 4 therefore, Plaintiff has had to write another letter to identifying this Doe Defendant thru-5  
 5 by addressing this matter to S. Gates the Health care Supervisor located at P.O. Box 588500, Elk  
 6 Grove, CA 95758, See Letter giving notice , and HC 602 and Response on May 15, 2020 at Exhibit  
 7 "13"

8 Medical Conditions:

9 30. Plaintiff : Robert Sanford, has a history of asthma, thalassemia, and anemia, he has been under  
 10 treatment by the CDCR Department regarding these medical conditions, by being provided , inhalers  
 11 Xopenex HFA 45 MCG, Astmanex HFA 100 MCG, and montelukast sodium 10 MG tablet, and Ibuprofen for  
 12 headaches and pain.

13 31. These are pre-existant medical factors that that puts Plaintiff at a higher  
 14 risk of contracting Covid -19 due to the unsafe dangerous conditions he is forced  
 15 to live in with no social distance, no masks being worn, no bleach or disinfectant  
 16 that is approved by FDA or other protective agencies as a active substance that  
 17 kills the Covid-19 virus on surfaces, inmates not being quarantined for the  
 18 required 14 day protocols before being placed in with inmates that have tested  
 19 negative for the Covid-19 virus, there is another factor not being addressed by  
 20 staff here at CCI, as they allow inmates to refuse the test of Covid-19 when they  
 21 test the population here at CCI, then placing them or allowing them to remain in  
 22 population with no accountability they may be infected or have become infected  
 23 that now puts Plaintiff at an unreasonable risk of danger of being re-infected  
 24 with Covid -19 for a third time, that could increase the injury Plaintiff is  
 25 currently suffering, due to contracting the Covid-19 virus twice (2) July 11,  
 26 2020, and October 2, 2020.

27 32. DEFENDANTS: U. BANIGA, S. SHIESTA, B. CATES, B. SANDERS, C. SCHYULER, RALPH  
 DIAZ, KATHLEEN ALLISON, GAVIN NEWSOM, CALIFORNIA CORRECTIONAL INSTITUTION, DOES  
 1 THROUGH 5, as Plaintiff has clearly pointed out these deadly dangerous con-  
 ditions, have put him in a unreasonable risk of danger due to his pre-existant  
 medical issues that places Plaintiff at a higher risk of danger if becoming  
 infected with Covid-19, as this certainly happened as Plaintiff warned would  
 happen, if he was forced to remain in the unsafe overcrowded conditions at CCI  
 and at (SCC), that are both under the direct supervision of Secretary of CDCR  
 DEFENDANT RALPH M. DIAZ/KATHLEEN ALLISON, and the Defendant agents employed  
 under their supervision and authority.

LONG HAULERS EFFECT:

33. Describes how Plaintiff now suffers ongoing joint pains, headaches, fatigue  
 shortness of breath, to the point I have trouble going to sleep, waking up with  
 excruciating pain, coughing up blood clots, headaches that seem to never go away,  
 these medical injuries were not evident until Plaintiff contracted Covid-19  
 and now Plaintiff cannot smell, or taste and the quality of his life has greatly  
 diminished from this injury caused from effects of the Covid-19 infection.

34. Plaintiff is only able to possibly get maybe four (4) hours of sleep on a  
 good day, usually it is much less, due to the pain that is unrelenting, as I  
 have been suffering inexhaustable fatigue. It has affected me so bad to the point  
 I have difficulties conducting normal activities, like walking to the bathroom  
 trying move personal items to clean up, showering, sitting up to read college  
 materials, standing for long periods of time causes unbearable pain on my joints.



35. The excruciating pain and suffering that Plaintiff has been going through due to becoming infected with Covid-19, since July 11, 2020, and October 2, 2020, has caused him considerable mental anguish, that can now be contributed to the Long haulers Effect.

#### VACCINE AND ITS RECENT SIDE EFFECTS:

36. The vaccine that has recently been made available for the inmate population here at CCI to take, as a new memorandum was circulated to all inmates within CDCR jurisdiction, dated December 18, 2020. This Memorandum was signed by DEFENDANT: KATHLEEN ALLISON SECRETARY OF CDCR, and J. Clark Kelso, the appointed Federal Receiver.

37. Plaintiff was given the vaccine on February 10, 2021, as Plaintiff was more than willing to receive the vaccine due to his high risk factors of being infected for a third time was extremely high, as now the CCI facility is now acting as if the Covid-19 virus has went away, because they are distributing the vaccine here at this facility. Although they say California Department of Public Health has rules, stating most high risk from Covid-19 will get the vaccine first, they also state that inmates with high Covid risk scores are also included. Plaintiff is not sure what category CDCR holds his situation in high risk, or high risk score. However, upon taking this vaccine on February 10, 2021 at approx 10:00 am, I was not given any disclosure to sign as what side effects I may be subjected to.

38. At approximately 2:00 pm, I began having a overwhelming headache, and the whole right side of my body was having a burning sensation, the arm that I was given the shot in was extremely painful, I felt fatigued, so I lay, in assigned bed area, thinking the pain would go away, this was not the case, I unable to lay on my right side at all, and every time I tried, I had to scream in agony, This pain was even worse the next day February 11, 2021, where my whole body was aching all over every joint in my body was in pain, this was absolutely a side-effect that I was having from the Moderna vaccine shot from 2/10/21, the pain has not left and today is the 15th of February, Plaintiff has notified medical here at CCI with a Medical Request slip CDCR 1782 Form explaining the side-effects plaintiff is suffering from.

39. Plaintiff described the excruciating headaches that refuses to go away that is so painful, I have to grit my teeth all day from the pain, my right side is still in pain and sore from the shot, I have joint pains, and still cannot smell or taste, from the effects I was suffering when I got infected with the Covid virus is July 2020, and October 2020.

40. And now Plaintiff is being warned in the Memorandum that even after taking this vaccine that has also caused Plaintiff pain and suffering, is still not a guarantee Plaintiff wont be subject to be re-infected again with Covid-19. As Defendants continue to operate the living conditions with reckless disregard not providing social distance of at least six-feet, still only providing watered down disinfectant that has no FDA approval for killing Covid 19 on surfaces the living areas in the dorm setting here at Briggs hall has less than 3 feet of distance between the next inmate on one or both sides, there are no petitions between bunks, or double bunk beds, these conditions are clearly a unreasonable risk of danger of re-infecting Plaintiff, even after taking the Covid vaccine where there is a likely possibility of serious injury and imminent death.

41. There is also another major concern that DEFENDANTS are ignoring that continues to put Plaintiff in an unreasonable risk of imminent danger of being re-infected with Covid -19, even though they are dispensing the vaccine here at CCI, this fact is there are more inmates refusing to take the vaccine, than those that actually take it. Therefore, leaving the population still at an unreasonable risk of harm or danger, with this airborne disease, that can only be prevented from spreading is by having at least 6 feet of social distance in every direction, this is absolutely impossible here within the dorms at CCI that only allow for less than 3 feet between double bunk beds with four inmates on one side or both in most areas the way the beds are positioned ( see Exhibit "C"

42. Plaintiff has also witnessed when inmates are given the Covid-19 test, the majority of inmates refuse, particularly the inmates that don't speak english, so there is no way as to know[is] infected in the dorm, this is a absolute fact and Defendants at CCI, still allow these inmates to intermingle with the tested inmates, not separating them to prevent the spread of the Covid-19.

43. For these facts described above, Defendants: GAVIN NEWSOM, RALPH M. DIAZ/ KATHLEEN ALLISON, had a slight diligence of care in their duty to provide a safe enviornment to Plaintiff, they performed their duties with a concious, voluntary act or omission in reckless disregard of their legal duties and due to the lack of their responsibilities, Plaintiff suffers from the consequences now being caused injury from their recklessness. By This DEFENDANTS Newsom, Diaz, and Allison, have demonstrated Gross Negligence. Because they where all directly informed by the Plaintiff of the dangers at both institutions CCI and SCC, refusing to practice safety protocols and to decrease the risk of the spread of Covid -19. Yet they did nothing.

44. Defendants: GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, where also negligent by their failure to exercise the standard of care that a reasonably prudent person would have exercised in a similar situation; any conduct that falls below the legal standard established to protect others against unreasonable risk of harm, except for the conduct that intentionally, wantonly, or willingly-disregardful of others rights. A tort is grounded in this failure.

45. Defendants: GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, executed an intentional tort against Plaintiff Robert L. Sanford. By committing a civil wrong by their breach of duty that the law imposes on persons who who stand in a particular relation to one another. Intentional tort as a tort committed by Defendants Newsom, Diaz, and Allison, acting with the general or specific intent; because, they were specifically informed by letters by the Plaintiff that involved the violations that injured Plaintiff, even after warning them and their agents these injuries would occur if they did not act, and they were the ones who issued the executive orders in which they intentionally did not enforce at CCI Tehachapi State Prison, where Plaintiff was injured and now continues to suffer a diminished quality of life, from the violations alleged in this civil complaint.

46. Defendant: CALIFORNIA CORRECTIONAL INSTITUTION, is a dangerous enviornment, and its employees had failed in its responsibilities to comply with the laws, and rules of the State of California and the United States, it has a duty to follow executive orders also by Defendants: GAVIN NEWSOM, RALPH M. DIAZ/ KATHLEEN ALLISON and to follow Presidential Order Donald Trump, and Joseph Biden, instead CCI refused to enforce safety procedures regarding Covid-19, and thereby, was grossly negligent to its duty, obligations, and responsibility to maintain a safe functioning institution.



1 47. DEFENDANT: BRIAN CATES, breached his duty of care to Plaintiff, by and  
2 through his failure ensure that CCI was a safer environment. he failed to ensure  
3 that all CORRECTIONAL OFFICERS AND STAFF, wear their mask and gloves at all time.

4 48. DEFENDANT: Brian Cates breached his duty to maintain a safe environment by  
5 failing to isolate inmates instead of allowing them to be MIXED IN ALL TOGETHER,  
6 Crowding them into Dormitories at CCI with this virus being uncontrolled, is  
7 just like packing inmates in a incubator of death. Bunking inmates in these  
8 dorms in Double Bunk beds with absolutely no possible way of social distance  
9 where each bunk bed is less than three feet apart from each other. CCI is  
10 constantly shifting crowds of inmates from one building to the next building  
11 where infected inmates are moved out of a housing unit at CCI, and then the  
12 CCI staff are then transferring an entire building (consisting of 10 to 100)  
13 inmates, right behind these infected inmates building that was transferred, not  
14 sterilizing the infected contaminated building before replacing them with a  
15 crowd of inmates from another building. This alone is how Plaintiff became  
16 infected on July 11, 2020, here at CCI that now has injured him to the point  
17 where Plaintiff cannot smell or taste, is now suffering from headaches, severe  
18 joint pain, coughing up blood clots, and other medical complications that has  
19 been described above herein.

20 49. Brian Cates, failed in his duty and responsibility to provide a safe en-  
21 vironment where from the time Plaintiff was transferred to CCI from SCC on  
22 June 18, 2020, to July 2020, where officers at this facility and SCC refused  
23 to wear their face masks and to wear gloves, while having contact with inmates  
24 person-to-person as this is a fact how this airborne virus is spread.

25 50. Brian Cates, had specific knowledge of the institution (failures) as stated  
26 above, because: 1) Brian Cates is the (A) warden at CCI, and his duty is to  
27 provide a safe environment; 2.) he has officials under his supervision that  
28 keeps him informed about this issue involved with the prison, and 3.) he had  
29 made an order to prevent all inmate grievances HC 602 complaints from being  
30 processed, and that all inmates that tried, was denied the right to appeal,  
31 by CCI returning the appeal unprocessed. And officers threatening retaliation  
32 if inmates complain, by conducting searches of housing units tearing up and  
33 destroying personal items, and then saying they came in because inmates are  
34 writing up 602's against the facility.

35 51.) B. Cates, has a duty to know, and to stay informed about all functions  
36 in the prison, he is the HEAD SUPERVISOR and his responsibilities require him  
37 to know about the violations that is taking place under his watch. And if he  
38 did not know, then he had been grossly negligent to his duty of care of all  
39 inmates that was and is under his Custody; including Plaintiff Robert L. Sanford.

40 52. Inmates in CCI had been and are being improperly quarantined, on on about  
41 June 18, 2020 until what Plaintiff has absolute knowledge of February 2021,  
42 as Plaintiff outlined and described the facts in paragraph 19 above, where  
43 its a fact Plaintiff was not properly quarantined himself on 6/18/20 and  
44 moved within 10 days on the 26th of June to Clark Hall low at CCI, even after  
45 being transferred from SCC, while this institution CCI was fully aware a major  
46 outbreak was occurring at the facility and infecting inmates on a daily basis  
47 these inmates were still housed in the same units, using the same bathrooms,  
48 showeres, sinks, sharing the same television area, and were all tested positive  
49 for COVID-19.

1 All the while inmates here at CCI were crammed into these housing units, to  
 2 the point they were so full, inmates are stacked on top of each other  
 3 Double bunked, with less than 3-feet of distance apart, Plaintiff described  
 4 the unsafe condition herein above at (paragraphs 20, 21), Plaintiff also  
 5 outlined every account regarding these overcrowded conditions that put Plaintiff  
 at an unreasonable risk of being infected with Covid-19, through letter's,  
 602's, government claims, CDCR 1782 forms, inmate request forms, and any  
 administrative process available for Plaintiff to warn against the dangers  
 that the overcrowded conditions have.

6 53. CCI dorms are not properly equipped with adequate ventilation system,  
 7 in the dorms, Clark Hall, Up and Low, Rex Deal Dorm, Briggs Hall Dorm, Van  
 8 Weston, Up and Low, Davis Hall Up, as these are all the dorms Plaintiff has  
 9 been housed in since arriving here from SCC on June 18, 2020, these dorms are  
 10 Doubled Bunk situated where there is less than 3-feet apart from each other.  
 11 there is no enforcement of along with the fact, its practically impossible  
 12 to sleep with a mask on, with inmates coughing and sneezing right next to you,  
 13 right <sup>above</sup> you, on both sides, these same conditions exist in the Showers, and  
 14 just trying to brush your teeth in the sinks that are less than 18" inches  
 15 apart, the heat in these dorms, during the months of June and July, August, and  
 16 September, has easily reached triple digits here at CCI, that makes it even  
 17 harder to breath with a mask on. There is no air conditioning, in these housing  
 18 dorm units, there is no way you wear a mask at all times in these conditions:  
 19 even the Officers say, ; "You guys don't have to wear your mask but when you  
 20 see sergeants and the Audit coming through the housing units, put your mask  
 21 on. DON'T PUT MY UNIT ON BLAST." If there were cameras, or other measures to  
 22 enforce wearing face masks, because the officers themselves don't want to wear  
 23 them at all, and several have expressed this at CCI.

16 54. CCI fails to establish an adequate protective monitoring system (cameras  
 17 or surveillance in strategic areas) or even to be aware of occurrences in the institution  
 18 such as those described herein above. Instead CCI ignored its duties, and so did its warden by their  
 19 express Negligence to their duties, responsibilities, and their obligations to provide a safe  
 20 environment.

19 55. THE DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ/KATHLEEN ALLISON, BRIAN CATES,  
 20 C. SCHYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTI-  
 21 TUTION, DOES 1 THROUGH 5 (Collectively Defendants) had breached their duty  
 22 under contract to provide a safe environment, by executing the executive orders  
 23 by the U.S. President, and The California Governor, and Secretary of CDCR, to  
 24 practice safety protocols in response to covid-19, such as:  
 25 1) ORDERING AND ENFORCING THAT ALL CDCR OFFICIALS AND STAFF AND OFFICERS ARE  
 26 PRACTICING AND ENFORCING THAT ALL CDCR OFFICIALS ENFORCE THE COVID 19 PRO-  
 27 TOCOLS. LIKE SOCIAL DISTANCING PRISON INMATES, INSTEAD OF CROWDING THEM TOGETHER;  
 2) Wear and enforce wearing masks, and wearing gloves, when having contact with  
 inmates, like searches, and escorts;  
 3.) To ongoingly provide sanitary supplies to each and every prison inmate,  
 for hand sanitizing, and disinfectant for their use after restrooms, and their  
 living areas; and  
 4.) BUNK INMATES 6-feet apart instead of less than 3-feet.

27 56. In the event that social distancing is impossible, due to PRISON OVERCROWD-  
 ING release inmates that are eligible for parole that don't pose any unreasonable

1 risk to public safety, that have CDCR case risk assessment scores of 1/low,  
 2 or 2, these are scores CDCR deems safe risk factors to public safety. There  
 3 are other measures that can be used by CDCR/CCI to utilize, such as 1170(d)(1)  
 4 Special Directive for Los Angeles County inmates within CDCR SD-20-14, that  
 5 qualifies inmates that are at risk of being infected with Covid-19, and have  
 6 served more than 15 years of their term. Plaintiff certainly qualifies for all  
 7 mentioned here.

8 57. It is cruel and unusual punishment to deliberately , or grossly be negligent  
 9 to prisoner safety. All of the DEFENDANTS in this lawsuit are under contract  
 10 to ensure public safety, and prisoner/inmate safety. The Defendants (ALL THE  
 11 DEFENDANTS) of this action breached contract to ensure safety to this Plaintiff  
 12 and caused him irreparable damage and injury that infected him with COVID-19  
 13 and now he can no longer smell, or taste, suffering headaches, joint pain,  
 14 and a true quality of his life completely diminished.

15 58. Defendants: Ralph M. Diaz, Kathleen Allison, Brian Cates, California  
 16 Correctional Institution, and Does 1 through 5, have a duty to enforce laws  
 17 (EXECUTIVE ORDERS) and regulations. All employees of the department shall be  
 18 responsible to enforce laws, regulations, and procedures which govern the  
 19 actions and activities of inmates, parolees and of persons who come into con-  
 20 tact with inmates and parolees who are not designated as peace officers, whose  
 21 normal assigned job duties do not require custody and supervision of inmates  
 22 and parolees, or in situations where it would be inappropriate or unsafe to  
 23 intervene in unauthorized actions or activities. All employees shall respond  
 24 as directed by proper authorities. (Calif. Code of Regs. title 15. Art. 2  
 25 § 3291 and Art. 4. § 3301; § 3303.)

26 59. Institution heads shall maintain procedures for controlling and to success-  
 27 fully meet the challenges and discharge the responsibilities of the department.  
 each institution and parole region requires a skilled and dedicated staff of  
 employees working in close cooperation with a high degree of morals. The depart-  
 ment will encourage a high esprit de corps by enabling employees to improve  
 their skills through training, by constant effort to make working conditions  
 safe and pleasant, and by protecting the rights and privileges of employees  
 under civil service laws and rules. Calif. Code of Regs. Art. 4 §3430.

60. The Warden Brian Cates of the California Corrections Institution, is the  
 chief executive officer of CCI institution, and is responsible for the custody,  
 treatment, training and discipline of inmates under his charge. Title 15, Art  
 5. § 3380(a).

61. Defendants, GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, BRIAN CATES,  
 C. SCHUYLER, P. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INS-  
 TITUTION, DOES 1 THROUGH 5, are all defendants collectively, and all have  
 committed a battery against this Plaintiff as a dependent adult in violation  
 of Cal. Penal. Code §243.25 as follows:

"When a battery is committed against a person of an elder or a dependent adult  
 as defined in Penal Code. §368 with knowledge that he or she is an elder or  
 dependent adult the offense shall be punishable by a fine not to exceed two  
 thousand dollars (\$2000.00) or imprisonment in the county jail not to exceed  
 one year, or by both that fine and imprisonment.



62. § 368 (A) is defined as follows; The Legislature finds and declares that crimes against elders and dependent adults are deserving of special consideration and protection, not unlike the special protections provided for minor children, because elders and dependent adults may be confused, on various medications, mentally or physically impaired, or incompetent, and therefore less able to protect themselves, to understand or report criminal conduct, or to testify in court proceedings on their own behalf.

63. §368 (b)(1) Any person who knows or reasonably should know that a person is a elder or dependent adult and who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured, or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health is endangered, is punishable by imprisonment in a county jail not exceeding one year, or by a fine not to exceed six thousand dollars (\$6000.00), or by both that fine and imprisonment, or by the imprisonment, or by the imprisonment in the state prison for two, three, or four years.

64. Pursuant to §368(h-i) states the following: As used in this section, "dependent adult" means any person who is between the ages of 18 and 64, who has physical or mental limitations which restrict his or her ability to carry out normal activities or to protect his or her rights, including, but not limited to, persons who have physical or developmental disabilities or who physical or mental abilities have diminished because of age. "dependent adult" includes any person between the ages of 18 and 64 who is admitted as an inpatient to a 24-hour health facility, as defined in sections 1250, 1250.2, and 1250.3 of the Health and Safety Code. (i) as used in this section, "caretaker" means any person who has the care, custody, or control of, or who stands in a position of trust with, an elder or a dependent adult.

65. DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, BRIAN CATES, C. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTITUTION, DOES 1 THROUGH 5; (collectively "DEFENDANTS" hereinafter) had violated Plaintiff Robert L. Sanford's rights to remain in a safe environment. The DEFENDANTS knew or should have known as a custodian/caretaker of Plaintiff and Prison inmates, that they knew would suffer physical or mental injury under the circumstances poor conditions likely to produce great bodily harm or death. The Defendants WILLFULLY CAUSED AND/OR permitted the DEPENDENT ADULT Robert L. Sanford the Plaintiff in this action, to suffer and inflicted thereon unjustifiable physical pain and mental suffering, with causing Plaintiff to be infected with COVID-19, now suffering a diminished quality of life, described above.

66. The unsafe conditions in which Plaintiff the dependent adult, where he was is an environment reasonably believed would produce physical and mental harm, as what this environment eventually caused physical harm to Plaintiff with infecting him with Covid-19 two different times, as this is a result of deliberate negligence of the DEFENDANTS.

67. Robert L. Sanford is in fact a DEPENDENT ADULT upon the custodian and all the DEFENDANTS. Plaintiff now suffers a ongoing diminishing quality of life

1 where Plaintiff was infected with Covid -19 and now physical injuries, of not  
 2 being able to smell or taste, severe constant headaches, joint pain, coughing  
 3 up blood clots, not even mentioning what it has done to me psychologically, the  
 4 unsafe environment was and is the cause of how plaintiff was infected with  
 5 Covid-19, where these overcrowded dorms Plaintiff is forced to live in that has  
 6 no ability to social distance, due to the DEFENDANTS negligence and deliberate  
 7 tort acts and omissions regarding how they allowed these dormitories at CCI  
 8 to be so overly packed with inmates, where they failed to enforce protocols such  
 9 as wearing masks, wearing gloves, and providing hand sanitizers and disinfectants  
 10 on a ongoing daily basis for each inmate/dependent adult.

11 68. As Plaintiff being a dependent adult he is physically incapacitated to  
 12 provide for himself, to obtain PPE and to social distance in the absence of  
 13 control and direction of the DEFENDANTS/custodians/caretakers.

14 69. Due to the DEFENDANTS failure to adequately take care of the dependent adult  
 15 /Plaintiff, as Plaintiff continues to suffer a ongoing an unreasonable mental  
 16 state of emotional infliction, as he does not know what his fate may be with  
 17 being infected again with Covid-19, where Plaintiff did all that was humanly  
 18 possible within the confines of the custodians/caretakers care, to warn that  
 19 the overcrowded conditions have not only caused psychological damage and just  
 20 how this impacted Plaintiff with severe anxiety of getting infected with Covid  
 21 19, and then to actually get infected now suffering with this diminished  
 22 quality of life ; and is worsening with the likely, possibility being re-infected  
 23 with a new variant strain of the virus, that not even the Moderna, Pfizer, and  
 24 vaccines related can even combat. As medical experts from the CDC and Medical  
 25 professional warn, how much more contagious this variant of COVID-19 is, my  
 26 imminent chance of death, if Plaintiff, becomes reinfected with Covid 19 the  
 27 third time, under these unsafe conditions, with no available social distance,  
 not even with the current vaccines, is an unreasonable risk of dangerous conditions, that is ongoingly causing Plaintiff pain and suffering.

70. The DEFENDANTS had always been not following the protocols, and had been so reckless in their  
 negligence toward the plaintiff's health and safety, as DEFENDANTS created a more unreasonable  
 dangerous environment by the following facts: Standard medical care and mental health have been  
 beligerently disregarded. Robert L. Sanford Plaintiff in this civil action tort, where on two  
 occasions the psychologist refused to treat for counseling therapy, from the depression and long  
 haulers effect, with physical trauma from contracting COVID-19, now reminds me of helplessness  
 as I can only think "I will die in prison , without another chance to see my family, my mom, my  
 daughter's, nobody, because I'm now serving a new sentence of COVID-19 death." The DEFENDANTS  
 refuse to stop over-crowding the dorms, they refuse to comply with protocols issued by executive  
 orders. DEFENDANT : U. BANIGA, stated in a 602 " Plaintiff was only infected one day with COVID..."  
 SEE(EXHIBIT "D "" ) , and the symptoms that became evident first not being able to smell, the  
 test was returned positive for Plaintiff on 07/16/2020, five whole days passed after the first  
 symptom, and Plaintiff, is still injured with inability to smell, taste, coughing blood clots,  
 severe headaches, joint pains, and these , and this is the Chief Physician Surgeon at CCI, DEFENDANT  
 U. BANIGA, knowing of the unsafe condition that has infected Plaintiff on 7/11/2020, or should  
 have known that this dangerous environment, placed Plaintiff at an unreasonable risk of imminent  
 danger of great bodily injury or even death. This is not the only questionable matter  
 related to DEFENDANT U. BANIGA on February 16, 2021 on HC 602# CCI HC-20001082  
 Defendant U. Baniga, chose again to ignore the risk factors and risk Plaintiff  
 is in with the contracting of Covid-19 at this facility CCI, while knowing  
 Plaintiff, is suffering from pre-existing medical complications, such as anemia,



1 asthma, and alpha thalasemia, that is a sickle cell trait, where Defendant  
 2 is aware Plaintiff has been infected twice here at CCI, as Plaintiff has  
 3 clearly stated in the administrative HC-602, the overcrowded conditions has  
 4 been the contributing factor, that has caused Plaintiff this injury that now  
 5 has diminished his quality of life of being able smell, taste, severe headaches,  
 6 joint pain, where there is no way for Plaintiff to enjoy the quality of life  
 7 he was able to enjoy before being infected with COVID-19 on July 10, and October  
 8 2nd, 2020. Defendant U, Baniga, had no comment as to Plaintiff coughing up Blood,  
 9 food, and the fact Plaintiff remains at an unreasonable risk of being reinfected  
 10 with the virus. His silence on the facts outlined in the 602, is in fact an  
 11 agreement that he, does not address in his report on 2/16/21, and for the  
 12 fact he does not deny the fact the dorms are overcrowded here at CCI, is  
 13 gross negligent account of his duty as Chief Surgeon, where he knows of the  
 14 imminent dangers Plaintiff a dependent adult is in and he fails to act.

15 71. There is no excuse, given the fact the DEFENDANTS KNOWINGLY AND INTELLIGENTLY  
 16 continue to subject Plaintiff to this absolute dangerous condition and dangerous  
 17 environment, knowing Plaintiff is a dependant adult, aware that the threat of  
 18 harm amounts to battery in violation of civil and criminal laws.

19 72. The DEFENDANTS have an obligation as custodians and caretakers to protect  
 20 the interest and the health and safety of the Plaintiff/Dependent Adult. The  
 21 DEFENDANTS, breached their obligation and duty to ensure Plaintiff's safety  
 22 thereby subjecting plaintiff to the imminent threat of danger.

23 73. The Defendants obligation as custodians/caretakers of Plaintiff is to pre-  
 24 vent or reduce the risk or threat of mental and emotional injury, or the likely  
 25 possibility of Plaintiff suffering physical injury, again, under the circumst-  
 26 ances and poor conditions that are likely to produce great bodily harm (Covid  
 27 19) or death. Their obligations are to protect the Plaintiffs from the suffering  
 herein, as described how the DEFENDANTS HAD FAILED in their duties and obligat-  
 ions to comply with their responsibility to protect the health and safety of  
 dependent adult of this lawsuit.

74. On February 24, 2021, the Plaintiff Robert L. Sanford, filed a complaint  
 in the U.S. Postal Mail, here at CCI, addressed to the California Department  
 of Justice, Office of the Attorney General in Sacramento, CA, a criminal  
 complaint against Defendants in regards to pursuing prosecution against all  
 of the DEFENDANTS in this lawsuit. On the same day, the Plaintiff then filed  
 a letter to Office of Internal affairs in Rancho Cucamonga, California which  
 is a duplicate of the above complaint. The Plaintiff seeks criminal prose-  
 cution of the DEFENDANTS for criminal negligence and battery with the intent  
 to commit great bodily harm under California Penal Code § 243.25 and 368(a).  
 To date



## COUNT 1, CAUSE OF ACTION- GENERAL NEGLIGENCE PAGE

Robert L. Sanford plaintiff in this action

DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ, KATHLEEN ALLISON, BRIAN CATES, C. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTITUTION, DOES 1 THROUGH 5. (COLLECTIVELY "DEFENDANTS")

Plaintiff incorporates paragraphs 1-74 As though they were stated fully herein.

Defendants violated Plaintiff's right to remain free from a dangerous environment. And Defendants negligence subjected Plaintiff to cruel and unusual punishment violations of the United States Constitutional Eighth Amendment; and California I, § 17. "Excessive Bail Shall not be required, nor excessive fines, nor cruel and unusual punishments inflicted." [Ratified Dec. 15. 1791]. The Executive orders by the United States President Donald Trump, and New President Joseph Biden, and Governor Gavin Newsom, and Secretary of CDCR Ralph M. Diaz/kathleen Allison, are the Defendants described herein paragraphs 1-74 that specifically and deliberately disregarded placing the Plaintiff's life in danger that did infect Plaintiff with Covid-19. And Defendant Brian Cates failed to take protective measures, by following the safety protocols in response to Covid-19, and allowed CCI to become infected by and through his failure to: ENFORCE SAFETY PROTOCOLS PURSUANT TO THE EXECUTIVE ORDERS; ENFORCE FACE MASKS; ENFORCE WEARING GLOVES WITH ANT AND ALL OFFICIALS, STAFF, AND EMPLOYEES; AND PROVIDING ONGOINGLY DAY TO DAY HAND SANITIZER, AND DISENFECTANT FOR EACH INMATE. Instead the enforcement of Face Mask had not been enforced still to date. No hand sanitizer in the bathroom, and never issued gloves for inmates to wear; and no disinfectant that the EPA approved to kill the Covid-19 on contact, there has been nothing issued for day to day use by each inmate here at CCI.

By this, The DEFENDANTS had deliberately and negligently created a dangerous environment, because of their failure to follow the Executive orders of the First President Donald Trump, and the second President Joseph Biden, and also the California Governor Gavin Newsom, ordering to Practice social distancing and safety protocols for Covid-19 (Cal. Code. of Regs. Art.2. §§ 3270 and 3271. The RESPONSIBILITY OF EMPLOYEES: "every employee, regardless of his assignment, is responsible for the custody of the inmate confined in the institutions of the department." (Former Dp-4202).

As a proximate result of said Defendants and each of them, knew of the need to comply with the laws applicable to the ownership, operation, management and/or supervision of CCI and further knew that non-compliance with such laws would put health and safety and the welfare of the Plaintiff unreasonably at risk. DEFENDANTS also knew that continual failure or refusal to discharge their fiduciary duties to PLAINTIFF would likely result in injury and/or death to them. The conduct of the said DEFENDANTS, as alleged above, constitutes "Physical abuse" and "Neglect", as those terms are defined in W&IC §15610.63 & 15601.57, and other sections of the law, in that DEFENDANTS failed to exercise the degree and responsibility of care that a reasonable person having custody of Plaintiff would exercise. The continuing pattern of abuse, as alleged above, was in accordance with the above-described plan of DEFENDANTS TO train, supervise staff, supply and equip their facilities at adequate levels so as to wrongfully maximize the business profits. DEFENDANTS' actions were reckless.

1 intentional, malicious, fraudulent and oppressive, and also constitutes a  
2 breach of DEFENDANTS fiduciary duties.

3 As the above-described conduct on the part of the DEFENDANTS and each of them  
4 was a direct consequence of the motive and plan to elevate profits at CCI, said  
5 DEFENDANTS are guilty of malice, fraud, recklessness and oppression in the  
6 commission of the abuse that caused Plaintiff pain suffering and a diminished  
7 quality of life from the violations alleged herein. Thus under the Elfare  
8 and Institutions Code W&IC § 15657(a)-(d), said that DEFENDANTS are liable  
9 to the Plaintiff for damages related to personal injury, mental and emotional  
10 injury, incidental expenses, plus attorney fees, and costs of the lawsuit.

11 Furthermore, the DEFENDANTS are liable to the Plaintiff each of them for  
12 treble damages pursuant to Code of Civil Procedure Section 3345.

13 As alleged above in this Civil Tort action, where the above described conduct  
14 on part of the DEFENDANTS and DOES 1 Through 5, inclusive and each of them,  
15 was a direct absolute consequence of the motive and plan to elevate profits  
16 above the Plaintiff's care and safety, Defendants engaged in and/or ratified  
17 or approved by high level managerial agents and said DEFENDANTS are guilty  
18 of malice, fraud, recklessness, despicable conduct, and oppression in the  
19 commission of the abuse and violations alleged herein. In committing the above  
20 -described wrongful acts said DEFENDANTS Acted intentionally, maliciously, and  
21 with conscious, disregarded Plaintiff's rights, safety and welfare.

22 //

23

24

25 //

26

27

28

29 /

30

31

32

33

34

35

36

37

COUNT 2: CAUSE OF ACTION- Intentional Tort Page

Robert L. Sanford: Plaintiff in This action.

DEFENDANTS: GAVIN NEWSOM, RABPH M. DIAZ/KATHLEEN ALLISON, BRIAN CATES, CSC. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTITUTION DOES 1 THROUGH 5. (COLLECTIVELY "DEFENDANTS")

Plaintiff, incorporates paragraphs 1-74, as though they were stated fully herein.

Plaintiff Robert L. sanford, did file a criminal complaint against the above DEFENDANTS on February 22, 2021, this complaint was sent to the California Department of Justice and to the Office of the Internal Affairs in Rancho Cucamonga against the DEFENDANTS who are the DEFENDANTS for criminal conduct: battery and the unjustifiable affliction of physical pain and suffering and mental injury. the DEFENDANTS have willfully caused and/or Permitting the dependent adult/Plaintiff to suffer the infliction of unjustifiable pain and suffering where Plaintiff was infected with Covid 19, and no longer has the ability to smell or taste, severe headaches, joint painsuffering a diminished quality of life. From the DEFENDANTS willfully causing or Permitting the Plaintiff's health and safety to be placed under jeopardy with the looming threat of imminent dangger. Additionally, the DEFENDANTS not only placed Plaintiff in danger, but also contributed to causing an unreasonable increase in danger where they continuously denied adequate medical care. Additionally, pursuant to California Penal Code § 368 (H-I) AS PLAINTIFF is physically restrained and incapacitated and is unable to fend for himself. Plaintiff is at the absolute mercy of DEFENDANTS as an dependent adult. The Defendants had been negligent in providiing the required thorough duty of care that was issued by executive order for standard protocols to protect health and safety with the following:

- A) Stop overcrowding, shifting and mixing inmates between and across housing units causing cross contamination increasing the risk of Covid-19 exposure, that ultimately injured and infected Plaintiff causing severe pain and suffering.
- B) Stop Double bunking and stop bunking inmates with less than three(3) feet apart, and stacking them on top of each other in double bunks, in dormitories that are now incubators of death for the Covid -19 virus. Because there is no available social distancing of 6 feet apart in the dangerous dorm housing units;
- C) Enforcing all Institutional personnel including prison inmates to wear masks;
- D) Enforcing vigorous and thourough hand washing by providing adequate and effective hand sanitizers and disinfectants for the restrooms and living quarters be issued on a daily basis per inmate;
- E) To wear gloves when officers are performing cell/dorm searches and come in contact with prison inmates;

It is impossible to social distance due to the over-crowded crisis in the prison, it is so bad due to the amount of inmates they have noe choice but to house inmates less than 3-feet apart, along with stacking inmates on top of



1 of each other through the constant double bunking, its like being crammed  
2 into a sardine can. Due to these over-crowded conditions plaintiff is still  
3 being subjected to this dangerous enviornment that has infected Plaintiff on  
4 two different occassions where he continues to suffer injury, as DEFENDANTS  
5 are unable to provide PPE, hand sanitizers, adequate medical care, along with  
6 providing a safe enviornment for protecting Dependent Adult/Plaintiff from  
7 being infected a third time, injuring him further with pain and suffering and  
8 the likely danger of imminent death from Covid-19. Plaintiff is suffering phy-  
9 sical and mental pain. (EADACPA) SUB. SEC. (h) and (i) W&IC § 15610.63(d);  
10 W&IC § 15610.57; W&IC §15657 (a)-(b), Breach of their fiduciary duties, with  
11 malice, and pppression. DEFENDANTS conduct was intentional and wreckless to  
12 Plaintiff's Safety and Health.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

//

//

1 COUNT 3: CAUSE OF ACTION " " NEGLIGENCE Page

2 Robert L. Sanford: Plaintiff in this action.

3 DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ/KATHLEEN ALLISON, BRIAN CATES, C. SCHU  
4 MLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTITUTION,  
5 DOES 1 THROUGH 5. (COLLECTIVELY "DEFENDANTS")

6 Plaintiff, incorporates paragraphs 1-74, as though they were stated fully herein.

7 This cause of action three: Dependent adult, abuse/neglect. In owning, oper-  
8 ating controlling, managing, supervising, and or working at California Corr-  
9 ectional Institution CCI, DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ/KATHLEEN ALLISON,  
10 BRIAN CATES, C. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL  
11 INSTITUTION, DOES 1 THROUGH 5., were all required to provide a safe a safe  
12 environment without the threat of danger as described above so as to ensure  
13 the Plaintiff's health, safety, and welfare. It is well known and has been  
14 expressly recognized by the California Legislature, through Welfare and Inst-  
15 titution Code section § 15600 (a-d), and other laws, that dependent adults may  
16 be subject to "abuse, neglect, or abandonment and that this state has a respon-  
17 sibility to protect these[ ], persons". Physical restraint and some with mental  
18 and emotional impairments, and the inability to fend for themselves, like those  
19 experienced by Plaintiff, that now has infected Plaintiff two times with Covid-  
20 19, where Plaintiff was placed in an vulnerable position not being able to  
21 fend for himself and was incapable of protecting himself, where Plaintiff was  
22 recognizing the dangerous problem, and outlining the facts in the preceding  
23 paragraphs, the California Legislature has enacted the elder abuse and dependent  
24 adult Civil Protection Act (EADACPA). This act is codified in the Welfare and  
25 Institutions Code sections 15600 et. seq. The purpose and intent of EADACPA was  
26 made clear with subsections (h) and (i) of the Welfare and institutions Code  
27 §15600. As reflected therein, the California Legislature found and declared that  
28 infirm and dependent adults are a disadvantaged class, and that few civil cases  
29 are brought in connection with their abuse and neglect due to problems of proof  
30 and delays, plus the lack of incentive to prosecute such suits. Welfare and  
31 Institutions Code section § 15610.23 defines an "Dependent Adult" as any person  
32 between the ages of 18 and 64 years of age who has physical or mental limitations  
33 that restrict his or her ability to carry out normal activities or to protect  
34 his or her rights.

35 At the time [of] the actual injury to Plaintiff, described herein, was in fact  
36 at all times relevant to this action a "Dependent adult".

37 Abuse under the EADACPA claim includes "physical abuse", as defined in the  
38 Welfare and Institutions Code section §15610.63(d), as well as "neglect" as  
39 defined in Welfare and institutions Code § 15610.57.

40 DEFENDANTS: and each of them, knew and understood or reasonably should have  
41 known, and understood, that the Plaintiff of this civil action required special  
42 equipment, care and attention to the pre-existent medical conditions in re-  
43 sponse to dangers of the Covid-19 pandemic crisis.

44 During the Plaintiff's committment and deliberate transfer from SCC to CCI  
45 on 6/18/20, where he is currently housed at California Corectional institution  
46 at all times mentioned herein this civil action complaint is a dependent adult  
47 as defined under EADCPA. Accordingly the DEFENDANTS were at all times relavant

1 in this action as "caretakers" as defined in the welfare and institutions  
 Code section § 15610.1. This means that said DEFENDANTS owed a duty of utmost  
 2 goodfaith and fairness to Plaintiff Robert L. Sanford, regarding all matters  
 pertaining to his health, care, comforts, basically in other words the DEFEN-  
 3 DANTS were fiduciaries and stood in a position of trust and confidence with  
 respect to the Plaintiff that is now suffering from thier lack of responsib-  
 4 ility.

5 For the fact Plaintiff being a inmate dependent adult at CCI, the DEFENDANTS  
 and each of them failed with all their duties to provide for plaintiff the  
 6 appropriate services as described, that would have protected him from becom-  
 ing injured with two infections of Covid-19 that has now caused Plaintiff  
 7 to suffer a diminished quality of life.

8 In owning, operating, controlling, managing, and/or supervising CCI including  
 Does 1-5 and each of them. Defendants and each of them held themselves out  
 9 to the general public and to Plaintiff, as being in compliance with all app-  
 licable federal and state laws and executive orders thereto, upon information  
 10 and belief, DEFENDANTS, ABSOLUTELY KNEW, that the subject facility (CCI) was  
 not designed, equipped, administered, staffed, trained, supervised, monitored,  
 11 or funded to comply with the responsibilities to provide care to Plaintiff,  
 where it could prevent him from becoming infected with Covid 19 on two  
 12 different occassions, that continues to cause him pain and suffering. For the  
 failures of DEFENDANTS each of them, to provide adequate care, along with  
 13 their short-comings does the repeated failures on the part of said DEFENDANTS  
 to have adequate supplies, equipment, staffing levels to satisfy the minimum  
 14 legal standards, and lack of staff training, protocols, and supplies to care

15 for person[s] such as Plaintiff. including but not limited to being found in  
 violation of California laws applicable by California Department of public  
 16 Health in response to Covid-19 protocols, administered through the executive  
 orders.  
 17 DEFENDANTS falsely advertised and misrepresented that California Correctional  
 Institution to be a facility which provided skilled custody supervision.  
 18 This proved to be wrong as plaintiff is currently suffering from the mis-  
 represented claims by DEFENDANTS, and still remains under an unreasonable risk  
 19 of being infected for the third time, due to the overcrowded conditions that  
 exist within the dorms Plaintiff is forced to live in.

20 The DEFENDANTS should have responded to the Plaintiff's letters and administr-  
 21 ative 602's that clearly outlined the dangers Plaintiff was in that:

22 A) Bring CCI to compliance in response to the Covid-19 executive orders re-  
 garding safety and health protocols or ; B) release the Plaintiff pursuant  
 23 to 1170(d)(1), as Plaintiff meets the criteria, along with the recent Los  
 Angeles County Special Directive -20-14 issued by the LA. Bistrict Attorney  
 24 , as CDCR has numerous options to cure this matter that is continuing to  
 place Plaintiff in an unreasonable risk of being infected with Covid for a  
 25 third ime.

26 As a proximate result of said DEFENDANTS and each of them, knew of the needs  
 to comply with the laws applicable to the ownership, operation, management,  
 27 and/or supervision of California Correctional Institution and further knew



1 that non-compliance with such laws would put health and welfare of Plaintiff  
2 at an unreasonable risk of being infected with Covid-19. DEFENDANTS also knew  
3 that the continual failures or refusal to discharge their duties would more  
than likely result in injury and or death. Whereas Plaintiff described these  
injuries that has diminished his quality of life above.

4 The conduct of said Defendants, as alleged above and herein, constitutes "  
5 physical" abuse" and "neglect" , as those terms are clearly defined in the  
6 Welfare and Institutions Code section 15610.63 and 15610.57, and other sections  
of the law, in that DEFENDANTS failed to exercise the degree of care that a  
reasonable person having custody of Plaintiff would exercise.

7 This continual pattern of abuse, as alleged above, was in accordance with  
8 the above-described plan of DEFENDANTS to train, supervise, staff, supply  
and equip their facilities at adequate levels so as to wrongfully maximize  
the business profits.

9 DEFENDANTS' actions were wreckless, intentional, malicious, fraudulent and  
10 oppressive, and also constitutes a breach of DEFENDANTS' fiduciary duties.

11 As the above -described conduct on the part of the DEFENDANTS each of them  
was a direct consequence of the motive and plan to elevate profits at CCI.  
12 Said Defendants are guilty of malice, fraud, wreckless, and oppression in the  
commission of the abuse alleged herein. Thus, under the Welfare and Institution  
13 Code section 15657(a)-(b), said DEFENDANTS are liable to the Plaintiff for  
damages related to personal injury, mental and emotional injury, incidental  
14 expenses, plus attorney fees, and the costs of the law suit. Furthermore, the  
DEFENDANTS are liable to the Plaintiff each of them for treble damages  
15 pursuant to Civil Code Section §3345.

16 As alleged above, the above-described conduct on the part of DEFENDANTS and  
DOES 1-5, inclusive , and each of them, was a direct consequence of the motive  
17 and Plan to elevate the profits above Plaintiff's care, engaged in and/or  
ratified or approved by high level managerial agents and said DEFENDANTS are  
18 guilty of malice, fraud, wrecklessness, despicable conduct, and oppression  
of the commission of the abuse alleged herein, that caused actual injury to  
19 Plaintiff. In committing the above-described wrongful acts said DEFENDANTS  
acted intentionally, maliciously, and with conscious disregard the concerns  
20 of Plaintiff and his safety, and caused the Plaintiff Robert L. Sanford, injury  
that is causing severe pain and suffering that is irreparable. Plaintiffs  
21 rights and welfare has been compromised from the callous acts of said  
DEFENDANTS and/or directed , authorized and ratified said acts. Therefore,  
22 Plaintiff Robert L. Sanford is entitled to recover punitive damages from  
said DEFENDANTS pursuant to Civil Code section § 3294, in a sum that will be  
23 requested and proven at trial.

EXEMPLARY DAMAGES

Page

Plaintiff: Robert L. Sanford, is The Plaintiff in this action.

DEFENDANTS: GAVIN NEWSOM, RALPH M. DIAZ/KATHLEEN ALLISON, BRIAN CATES, C. SCHUYLER, B. SANDERS, S. SHIESHA, U. BANIGA, CALIFORNIA CORRECTIONAL INSTITUTION, DOES 1 THROUGH 5. (COLLECTIVELY "DEFENDANTS").

Plaintiff, incorporates paragraphs 1-74 as though they were stated fully herein.

The Facts in support of plaintiff's action are as follows:

Due to said DEFENDANTS, and their total and deliberate disregard for Plaintiff Health and Well being after being made fully aware, by letters, complaints, they still refused to take any corrective measures.

In fact, Plaintiff Robert L. Sanford, was forced to move to a infected building at CCI on July 10, 2020, with no disinfectant, no ventilation, no social distancing, no face mask; as a result of this action forcing Plaintiff to move into this clearly unreasonable dangerous environment, Plaintiff was infected with Covid-19, where he loss his ability to smell or taste, coughing up blood clots, severe headaches, joint pain, and this all satrted when Plaintiff was placed in a clearly known unreasonable risk of life threatening danger.

The DEFENDANTS above had acted with malice, because they were made absolutely aware of the facts as established in the complaint, and knew of or should have known that they were endangering the Plaintiff Robert L. Sanford, by forcing him to move into a known infected environment, housing dorm and dangerous contaminated area, that had not been cleaned or sterilized, and made it absolutely impossible to practice any sort of social distancing at all, where now Plaintiff is suffering a diminished quality of life, that has not returned, from the injury DEFENDANTS caused....

DEFENDANTS conduct was with a deliberate disregard for their FIDUCIARY DUTY to protect and care for the dependent adult Robert L. sanford and to ensure that he is placed into a safe environment.

These DEFENDANTS have deliberately refused to exercise and enforce the executive orders of the United States President, The California Governor and the Secretary of CDCR, They committed a knowingly assault/battery upon Plaintiff that has and still injure's Plaintiff day-to-day, and the injury is continuing, as DEFENDANTS fail to act.



POINTS AND AUTHORITIES

The early stages of Covid-19, and what scientist were doing to collect data where mass amounts of people were suddenly becoming hospitalized, and then started having extreme numbers of deaths, it had become so bad in the United States, as they were recording numbers, where 90% percent of the persons hospitalized, were usually diagnosed with having pre-existing underlying medical conditions. Most of these reports came from within the Center for Disease Control and Prevention, CDC.

Here, in this civil action complaint, Robert Sanford was and is diagnosed with 1) Asthma, Alpha Thalasemia, Anemia, as to what made Plaintiff now have to suffer from these pre-existing unlying conditions is 2) Plaintiff was infected with Covid 19, on July 10, 2020, where he immediately discovered he could not smell or taste, the test taken on July 11, 2020 proved POSITIVE for Covid-19. The other contributing factor that has complicated Plaintiff's Asthma, as the infection from Covid-19, as he now suffers from shortness of breath, and the coughing of blood clots, as Plaintiff is under Chronic care by the Department of Corrections, also identified as CDCR (see supporting documents at EXHIBIT # "E" ).

With the underlying medical conditions, and the infection of Covid-19 whoi is already being treated for chtonic care, that places him in a problematic situation, where Plaintiff is at an extremely "high risk" of being re-infected with Covid-19 where he, is forced to be housed in a dorm at CCI, where he lives amongst 100 to 120 inmates, with less than 3-feet of social distancing where inmates have to share the same restroom, sinks, that are less than 18 inches apart, and only enough room for inmates to shower with 4 inmates without bumping into each other naked. Theses conditions are truly unsafe with preventing the spread Covid-19 see United States vs. Zukerman 16 Cr. 194 at, 2020 U.S. Dist. Lexis 59588 (S.D.N.Y. Apr.3 2020), Plaintiff in this civil action has been subjected to massive circumstances of overcrowded conditions here at CCI, at Briggs Hall, Rex Deal Dorm, Clark Hall, [up&low], Van Weston [up&low], Davis Hall [up&Low], as Plaintiff has been moved and shited to this many housing units and dorms on CCI, where Plaintiff was subjected to masses amounts of inmates exposed to the Covid-19, where plaintiff had to share restrooms, showers, dining areas, tv, areas, with infected inmates during the months of June 18, 2020 (The day Plaintiff arrived from SCC), July, 2020, is when Plaintiff first contracted Covid-19 after being shifed from one contaminated building to abother, Van Weston upper, to Clark Hall lower, to Rex Deal all occurred from 6/18/2020 to 7/11, 2020,

Plaintiff was then shifted again to another housing unit, that was now designated as the Covid-19 quarantine building Van, Weston, Low, from there Plaintiff was transferred again to Clark Hall low again, and after 13 days was placed in Clark Hall upper, this is where Plaintiff became infected again with Covid-19, on October 2, 2020, after coming from the dentist, who tested Plaintiff with a rapid covid test, Plaintiff was given a second Covid Test the same day, and both proved to be POSITIVE again for Covid-19 a second time, as Plaintiff was still unable to smell or taste. The overcrowded conditions that Plaintiff was forced to live in that ultimately infected him not once but twice, can is "like being in a incubator of Covid death, just waiting on its turn to kill you" Theses living conditions are truly a hardship and inadequately insufficient, along with being deficient of constitutional demensions, as toilets are

often malfunctional and broken, the faucets are not in operational condition as well, even the drinking fountains are broken, and any reasonable person could reasonably see the living areas in these dormitories at CCI are clearly breidigh - grounds for the Covid-19 to spread as it did at this facility in June, 2020, and if Plaintiff is subjected to contracting Covid-19 for the Third time there is a likely matter he will need ICU intervention, where just in the month of February 2021 at (C-facility) next door to E-Facility seven (7) inmates have died and one is currently on a ventilator, according to the Librarian that worked on all facilities at CCI, and is fully aware of the data with the Covid-19 deaths here at CCI.

As theses facts stated herein, this civil action, where plaintiff describes the facts as to how there is no ability whatsoever to social distance himself. Plaintiff cannot follow the directives of the Center for Disease Control and Prevention where they issued an interim Guidance on management of Corona-Virus Disease 2019, in Correctional and Detention Facilities. This was posted on the CDC website, where CDC has gotten its science; stating: The cornerstone for preventing the Covid-19 from spreading in correctional settings is social distancing, defined as six (6)-feet = apart according to the CDC. The Prison law office, and the Prisoner Legal Representatives, stated: CDCR has promised to create eight person groups, separated from each other by at least six-feet " Yet in its own literature that CDCR submitted to the Prison lawyers reflected that they cannot create social distancing, and this is already admitted by CDCR. Furthermore Plaintiff described these very facts and issues to the Prison Law Office, with extensive dialogue concerning these detailed facts, Please see EXHIBIT "F." " now attached, where Plaintiff has been contacting their office with this issue for months, starting in April 2020, up until Plaintiff's arrival here at CCI, from SCC.

The Secretary for CDCR Ralph M. Diaz and his representatives, including the new Secretary who replaced Diaz after retiring on October 1, 2020. Ms Kathleen Allison, who is also aware of the fact CCI, stated: they are practicing social distancing, all the while they knew these were inaccurate statements, and were absolutely aware this is impossible at this facility. It is also a fact, that Plaintiff and inmates housed at CCI are forced to live in quarters that do not provide social distancing at all, as being a dependent adult here at this facility, whereas, as being a dependent adult I am under the direction of the custodian, Warden Brian Cates, to begin with, and squarely falls on the shoulders of the Secretary Ralph M. Diaz, and Kathleen Allison.

Due to the Covid-19 killing inmates within the jurisdiction of CDCR" That puts inmates lives here at CCI under imminent danger of serious danger or worse death" For this is the primary reason Plaintiff has filed complaints, and now has no other remedy other than this civil tort action, because CCI administration refuses to act by a continual circumventing of the process with his appeals to correct the dangerous condition, "as the dangers of Covid-19 are real and proximate" see Wilson v. Beard (2018) Lexis U.S. Dist, Lexis 182744. Administration and correctional supervisors repeatedly downplay the severity of Covid-19 at the California Correctional Institution, and The California Department of Corrections and Rehabilitation (CDCR), and while supervisors are aware of the virus, avoiding prisoners on the yard (Facility E) they deny the existence of Covid-19, California Correctional Peace Officers Association CCPOA, and the CDCR administration directs supervisor's to ignore symptoms and direct their staff to do the same. Now they refer



1 to the corona-virus as a "glorified flu" that is why they do not care for  
 2 Plaintiff's or any inmates safety and well-being here at CCI (Facility E).  
 3 While the administration are aware or have every reasonable reason to be aware  
 4 that the threat posed by Covid-19 is undoubtedly medical, the particular risk  
 5 the disease poses to prisoners are primarily a function of the contagiousness  
 6 of the virus and the nature of the incarceration... Thus far, the only way to  
 7 stop its spread is through preventive measures- principle among them maintain  
 8 ing PHYSICAL DISTANCING sufficient to hinder airborne person-to-person trans-  
 9 mission. (CDC, Interim Guidance on Management of Corona virus Disease 2019  
 10 COVID-19 in correctional and Detention Facilities).

11 Farmer v. Brennan 511 U.S. 825, 828 (1994), is the leading precedent case  
 12 that addressed cruel and unusual punishments, that occur within the prison  
 13 setting, as what constitutes a unsafe condition, need not wait on a tragic  
 14 event before it raises to an ultimate violation of the Eighth Amendment.  
 15 The Covid-19 pandemic is one of these unexpected events, that shows that  
 16 the overcrowding conditions of inmates into dorms at CCI, with no social distancing,  
 17 and with the time that was available for CCI does not provide any excuse,  
 18 to provide, as to how dangerous the overcrowding conditions are with the pot-  
 19 ential harm posed by Covid-19 is certainly attributable to the constitutional  
 20 violations outlined in Farmer v. Brennan, Supra.

21 The Governor Newsom, has enacted Gov. Code §8658, due to the uncontrolled  
 22 Pandemic of Covid-19, as he declared an emergency, enabling "the "the person  
 23 in charge of the institution... to release inmates" particularly those with  
 24 underlying medical conditions, to protect them from the imminent perils of  
 25 death with the Covid-19, However, CDCR and CCI, refuse to comply with order  
 26 and get in compliance with adequate social distancing of six-feet CDC Interim  
 27 Guidance on Management; Supra, (Above)

28 The failure on the part of CDCR, has already caused a catastrophic "gross  
 29 negligent" event, where they transferred inmates, from CIM to San Quentin,  
 30 that resulted in infecting 100's of inmates, and caused imminent death, from  
 31 contracting Covid-19. Plaintiff, was shortly placed in the same predicament  
 32 with being transferred from SCC on June 18, 2020, to CCI where Plaintiff was  
 33 ultimately infected with Covid-19, the same way they mixed inmates at San  
 34 Quentin, as Avenal, Wasco and other CDCR institutions where having outbreaks  
 35 of Covid-19 due to the over-crowded dorms and lack of social distancing, as  
 36 CCI, is also included for this same reason, where they had a massive break-out  
 37 of Covid-19 on June-20, 2020, and Plaintiff was injured with being infected on  
 38 July 11, 2020, after being mixed in with positive infected inmates, from one  
 39 contaminated environment to another. And for CCI to claim they are doing an  
 40 effective job of social distancing, is far from the truth. Plaintiff is  
 41 suffering pain, and a diminished quality of life from the actions of said  
 42 DEFENDANTS, this is certainly cruel and unusual punishment, in accordance to  
 43 the Eighth Amendment.

44 The sufficiency of causation is apparent in that the three relevant factors  
 45 that contribute to exposure are all factual : 1) Frequency, 2) Regularity,  
 46 3) Proximity". see Linea Weaver v. Plant Insulation Co. (1995) 31 Cal. App  
 47 4th 1409, 1416; Kesner v. Superior Court (2016) : Cal. 5th 1132, 1144, Id.  
 48 at pp. 1144, 1145; 1588, 1155; rest. 2d. Torts §§ 243.25, 368 (a).

49 //

1 Where Plaintiff is forced to be housed in these overcrowded conditions under  
 2 the direction of the Custodian and head caretaker,  
 3 These custodian/caretakers, could clearly see the foreseeable danger that  
 4 Plaintiff/dependent adult was in of becoming infected with Covid-19, where he  
 5 is directly effected by the negligence in the handling of protocols, and  
 6 executive orders, from the Department of CDCR. Has caused Plaintiff pain and  
 7 suffering from being infected with Covid-19, two (2) different times, under the  
 8 conditions described through out this civil action, that still exist, and has  
 9 injured Plaintiff Robert L. Sanford, with a diminished quality of life, and  
 10 in continues to get worse, along with the danger of being re-infected for  
 11 a third time that has a high probability of imminent death.

12 And for any contrary or reading of what it means to describe what 6-feet  
 13 of social distancing means, in order to prevent the spread of Covid-19 would  
 14 be absurd to say the least. Negligence per se" is a evidentiary doctrine  
 15 codified as Evidence. Code § 699 (A).

16 Where this clearly falls in line with the contemporary standard of decency  
 17 is what guides the Eighth Amendment, in this-- instance, "Social Distancing  
 18 as outlined in the mainstream society through tv, and other public announcements  
 19 and outlets, including the presentments by Governor Newsom, and Mayors of  
 20 respected cities, and communities throughout California, has had this same  
 21 concept of what it is to social distance according to the "CDC" with preventing  
 22 the spread of Covid-19 and infecting individuals, where its required through  
 23 authority of the CDC who is the agency designated to protect and control dis-  
 24 ease prevention in the United States. Rhodes v. Chapman, 42 U.S. 377 (1981),  
 25 provides public attitudes toward certain punishments, or what society is will-  
 26 ing to tolerate in its prisons, is the appropriate gauge of contemporary  
 27 standards; as a result of the outbreak of Covid-19 in the United States on  
 28 or about March, that was later discovered was here since January. There  
 29 was a public outcry from the public right here at CCI, upon Plaintiff's  
 30 arrival here at CCI June 18, 2020, , , , where the people/electors  
 31 and public citizens, along with inmates family members, and fellow human-beings  
 32 who, all voiced concerns for the inmates being housed at CCI, that were not  
 33 being able to social distance, where these electors demanded CCI provide  
 34 "social distancing" for the inmates housed at CCI or release them.  
 35 It was so evident as to how the people were voicing thier concerns, the  
 36 spokesperson had to address the crowd from CCI Ms. Erwin stated: " CCI is  
 37 practicing social distancing" in her attempt to de-escalate the public out-  
 38 cry at CCI, she failed to admit that due to the lack of social distancing  
 39 and the natural probable consequences that inmates in the overcrowded dorms at  
 40 CCI are contracting Covid 19, and this virus is spreading in the prison enviro-  
 41 nment, where at this time, Plaintiff was being infected with Covid-19. from  
 42 the lack of social distancing.

43 The deliberate, gross negligence, and neeligence to achieve social distancing  
 44 and not releasing or reaching enough inmates to release with underlying,  
 45 medical conditions is the nexus that constitutes a negligence and gross negligence,  
 46 that injured Plaintiff, and now holds DEFENDANTS in this civil action liable  
 47 for failure to act in the capacity of their duty pursuant to executive orders  
 48 of Gavin Newsom under Gov. Code §8658. Here , Plaintiff Robert L. Sanford, is  
 49 placed in an unreasonable risk of dying from the deadly Covid-19, because he  
 50 has undeelying conditions, of Anemia, Asthma, and Alpha Thalasemia (sickle cell



1 trait), See EXHIBIT " E " "

2 Under the recent enactment of the CARES ACT, inmates are absolutely a  
3 vulnerable class to getting infected with this Covid-19 or considered high  
4 risk for severe injury of illness from complications of being infected with  
5 Covid-19, that can and will cause death. This clearly demonstrates an extra-  
6 ordinary reason for compassion to release Plaintiff; as 18 U.S.C. §3582 (c),  
7 (1)(A), that prompted the District Court to reduce the Plaintiff's sentence,  
8 as this has been stipulated for Plaintiff, at this point of his total prison  
9 term poses no unreasonable risk to public safety and society, Plaintiff is  
10 classified as a low/1 under CDCR Case Score Risk Assessment, has "0" points  
11 score, has fully completed his primary offense, under Cal. Const. Section  
12 32(a)(1)(A), where the, In re Mohammad 42 Cal. App. 5th 719 (2019) court  
13 ruled: " CDCR's Regulations which Focus on the Offender and Not the Offense,  
14 are inconsistent with the Constitutional text." The Mohammad court further  
15 ruled in its disposition: " The petition for writ of habeas corpus is granted,  
16 CDCR is directed to treat a void and repeal California Code of regulations,  
17 title 15, section 3490, subdivision (a)(5) and to thereafter make further  
18 changes as necessary to make sure its Proposition 57 implementing regulations  
19 are consistent with this opinion." In re Mohammad 42 Cal. App. 5th 719.

20 Wherefore Plaintiff qualifies for this, as he is only serving Penal Code 667  
21 (a)(1) enhancements, that are excluded under, section 32(a)(1)(A), there is  
22 other, tools that can be utilized by CDCR to release Plaintiff, due to the  
23 unsafe condition, that places Plaintiff in an unreasonable risk of being infected  
24 with Covid -19 for the third time here at CCI, as this department can use the  
25 1170) (e), or the 1170(d)(1), as where inmates can be released statutorily  
26 if subject to mortality within 6-months, Here in this instant case plaintiff  
27 is clearly subjected to imminent death within days, if not weeks, if Plaintiff  
is re-infected for a third time, given the facts of him being infected two  
times already, along with his underlying conditions, puts Plaintiff at a very  
high risk.

For the above reasons DEFENDANTS are grossly negligent, by not releasing  
Plaintiff, even being fully aware, he is suffering from the infections of  
Covid -19, and has loss his sense of smell, Taste, Severe headaches, JOINT  
PAIN, and coughing up blood clots, the medical staff here at CCI, has been  
notified and they have diagnosed Plaintiff only explaining that Plaintiff's  
injury due to the infection, is to new for them to determine what can be done  
to cure his pain and suffering because, there is no cure for Covid-19.

Plaintiff has plead sufficient legal authorities that clearly give rise to  
cruel and unusual punishment in violation of the Eighth amendment, as Plaintiff  
has no other remedy to address these deliberate actions of said DEFENDANTS  
Collectively and individually, each of them, including Does 1-5, these negligent,  
and gross negligent acts, caused Plaintiff injury of pain and suffering, from  
becoming infected with Covid-19, and for the above stated facts mentioned and  
relevant authorities, Plaintiff now files this civil tort action invoking  
the absolute relevant power and authority of the California Constitution that  
reflects State and Federal decisional authority within this Memorandum of  
Points and Authorities; and request this Court liberally adjudicate this  
pleading as justice and law demands.

REQUEST FOR RELIEF

WHEREFORE, Robert L. Sanford, now prays for judgement as follows:

- A) Injunctive Relief;
- B) Declaratory Relief;
- C) General Damages According To Proof;
- D) For All Expenses of This Lawsuit;
- E) For Treble Damages Pursuant To Civil Code 3345;
- F) For Punitive Damages Pursuant To Civil Code 3294;
- G) For Damages For Dependent Adult Abuser;
- H) For Attorney Fees;
- I) For Pre-Judgement Interest Allowable By Law;
- J) For Such Other And Further Relief This Court May Deem Proper.

February 22, 2021



Robert L. Sanford.

DECLARATION

I, Robert L. Sanford, Declarant under the penalty of perjury under the laws and Constitutions of the United States and California that the foregoing is true and correct.

California Correctional Institution (CCI), and its OFFICERS, STAFF, EMPLOYEES and AGENTS, refuse to adhere to the executive orders, to wear and enforce wearing face masks, refuse to provide hand sanitizers, disinfectants, and or gloves to each inmate.

CCI and its Officers, Staff, Employees, and Agents, have been making CCI a very dangerous environment, by mixing an enormous amount of inmates, with shifting them from one infected housing unit into another infected housing dorm unit. DEFENDANTS refuse to allow declarant and inmates at CCI to social distance with at least 6- feet, declarant is completely unable to depend on himself and has absolutely no other choice but to rely on the CCI programs, and officials, employees, and correctional officials for protection. Declarant is told where and when to eat, when to sleep, when and when not he can use the restroom, when he can shower, declarant is told when and where he is allowed to go any-where, declarant is absolutely dependent upon the custodians and their subordinates for protection, for food, clothing, bed linen (Sheets and blankets), cosmetics that includes shavers, soap, toothbrushes and tooth paste, on top of the fact, declarant in this action is unable to move any where - without the express permission of the custodian and their subordinates. Declarant is at all times at the mercy of custodians and their subordinates. These custodians are the ones that provide declarant his medical care and treatment, and are to assist him with any mental health issues. Declarant cannot do anything without the permission of his CARE TAKERS.

I, the declarant in this action has personally witnessed with my own eyes officers here at CCI, telling other officers and inmates C/O Dahl, C/o Wiggins, and C/O Emory as believed, (the regular C/O assigned to Clark Hall low), made regular comments; "I don't give a fuck if I get Covid-19, I'm not going to stay wearing no damn mask all day long!..." With these out landish statements only allowed the inmates to follow there lead, in result no one is practicing any of the safety protocols in reponse to Covid-19.



1 Declarant is competent as to the testimony and stated facts herein, along  
 2 with the facts established in the complaint paragraphs 1-74. Declarant in  
 3 this civil action is suffering from pain due to the injury he was subjected  
 4 to by DEFENDANTS, with being placed in a dangerous environment that infected  
 5 declarant with Covid-19. Once on July 10, 2020, and again on October 2, 2020,  
 6 as a result of becoming infected with Covid19, declarant can no longer regain  
 7 his sense of smell or taste, has severe headaches, joint pain, and coughs up  
 8 blood clots, declarant's quality of life has greatly depreciated since getting  
 9 infected with Covid-19, including the fact CCI refused to care at all, as I,  
 10 continue to suffer, where they won't provide any mental health care at all  
 11 regarding the severe trauma I'm going through, as I asked for counseling and  
 12 cognitive therapy where my request has remained unanswered.

13 Declarant, is continuing to suffer Physical, mental, and emotional injury  
 14 being forced, to living in constant fear of being infected again for a third  
 15 time, for this have constant anxiety, and constant stress regarding me contrac-  
 16 ting Covid-19 and dying from it, on account of the negligence, incompetence,  
 17 and recklessness of the custodians/care-takers that are making declarant's  
 18 living environment even more dangerous every day that passes by.

19 I, declare under the penalty of perjury the foregoing is true and correct.

20 Date : February 22, 2021.

21  
 22  
 23  
 24  
 25  
 26  
 27

By:   
 Robert L. Sanford, Declarant.

PROOF OF SERVICE

(Cal. Rules of Court, Rules 1.218.50.)

I, Robert L. Sanford, declare that I am over the age of 18 years of age and the Party Plaintiff in this Civil Tort Action Claim, at all times; I am a inmate prisoner in the California Correctional Institution, in the County of Kern, city of Tehachapi, California 93581, where the mailing occurs; and Plaintiff's address is: California Correctional Institution, P.O. Box 107 Tehachapi, CA 93581

I, further declare that I am readily familiar with the business practices for collection and processing of correspondences for mailing with the United States Postal service, this same day in the ordinary course of business,

On this, 22 day of February 2021, I the Plaintiff in the above mentioned complaint caused to be served the following document[s] ; A Civil Cover Sheet, Civil Claim that incorporates 1-74, Cause of Action 1-3, Exemplary Damages, Declaration, Points and Authorities, in a civil tort action, by placing a true copy of each document; in a separate envelope addressed respectively, as follows:

OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, 1300 "I" Street Sacramento, CA 94244

I, declare under the penalty of perjury under the laws of the United States Constitution and the State of California Constitution that the foregoing is true and correct to the best of my knowledge. Executed on this 22nd day, of February 2021.

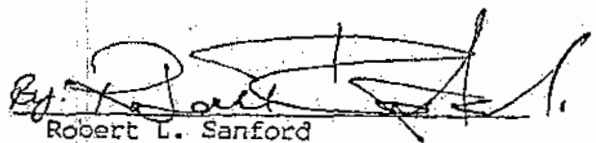
By   
Robert L. Sanford

EXHIBIT "A"

EXHIBIT "A"





Governor Gavin Newsom

12/16/2020

Robert Sanford V25176  
P.O. Box 107  
Tehachapi, CA 93581

RE: Claim 20006799 for Robert Sanford V25176 against Department of Corrections and Rehabilitation (CDCR)

Dear Robert Sanford,

Government Claims Program (GCP) staff completed its investigation of your claim and rejected it for the following reasons.

The claim involves complex issues that are beyond the scope of analysis and legal interpretation typically undertaken by the GCP. Claims involving complex issues are best determined by the courts. Therefore, staff did not make a determination regarding the merit of the claim, and it is being rejected so you can initiate court action if you choose to pursue this matter further.

If you choose to pursue court action in this matter, it is not necessary or proper to include the GCP in your lawsuit unless the GCP was identified as a defendant in your original claim. Please consult Government Code section 955.4 regarding proper service of the summons.

If you have questions about this matter, please feel free to contact GCP by phone, mail, or email using the contact information below. Please remember to reference the assigned claim number (20006799) in your communication.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Miyata", is located below the "Sincerely," text.

Kelli Miyata, Program Analyst  
Government Claims Program  
gcinfo@dgs.ca.gov

**WARNING:** Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately.



Governor Gavin Newsom

### DECLARATION OF SERVICE BY U.S. MAIL

Name of Claimant: Robert Sanford  
GCP File no.: 20006799

I am employed by the Government Claims Program. I am 18 years of age or older. I am familiar with the business practice at the Government Claims Program for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Government Claims Program is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. On 12/16/2020, I served the attached letter by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Government Claims Program, located at 707 Third Street, West Sacramento, CA 95605, addressed as follows:

Robert Sanford V25176

P.O. Box 107

Tehachapi, CA 93581

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 12/16/2020, at West Sacramento, California.

A handwritten signature in black ink, appearing to read "Daniel Averitt", is written over a horizontal line.

Daniel Averitt



Governor Gavin Newsom

10/21/2019

Robert L Sanford V25176  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

Re: Claim 19005866 for Robert L Sanford V25176

Dear Robert L Sanford,

Government Claims Program (GCP) staff completed its review of the application for leave to present a late claim that you submitted with claim number 19005866 on 06/27/2019.

The late application is denied for failure to meet the requirements of Government Code section 911.6.

Your recourse, should you wish to pursue the matter further, is to file a petition in court for relief from the requirements of Government Code Section 945.4. You will have six months from the date of this notice to file a petition. If the courts grant the petition, you will have 30 days from the date the petition is granted to file suit on the cause of action to which this claim relates.

If you have questions about this matter, please feel free to contact GCP by phone, mail, or email using the contact information below. Please remember to reference the assigned claim number (19005866) in your communication.

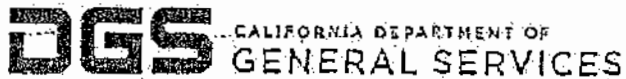
Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Miyata", is written over the typed name.

Kelli Miyata  
Program Analyst  
gcinfo@dgs.ca.gov

**WARNING:** If you wish to file a court action on this matter, you must first petition the appropriate court for an order relieving you from the provisions of Government Code 945.4 (claims presentation requirement). See Government Code Section 946.6. Such petition must be filed with the court within six (6) months from the date your application for leave to present a late claim was denied. You may seek the advice of an attorney of your choice in connection with this matter. If you desire to consult an attorney, you should do so immediately. Additionally, it is not necessary or proper to include the Government Claims Program (GCP) in your court action unless the GCP was identified as a defendant in your original claim. Please consult Government Code Section 955.4 regarding proper service of the summons.





Governor Gavin Newsom

**DECLARATION OF SERVICE BY U.S. MAIL**

Name of Claimant: Robert L Sanford  
GCP File no.: 19005866

I am employed by the Government Claims Program. I am 18 years of age or older. I am familiar with the business practice at the Government Claims Program for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Government Claims Program is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business. 10/21/2019, I served the attached letter by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Government Claims Program, located at 707 3<sup>rd</sup> Street, West Sacramento, CA 95605 addressed as follows:

Robert L Sanford V25176  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on 10/21/2019, at West Sacramento, California.

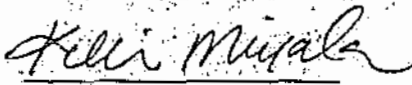
  
Kelli Miyata

EXHIBIT "B"

EXHIBIT "B"

## Placement When Positioning Beds 6 feet or more is NOT Possible

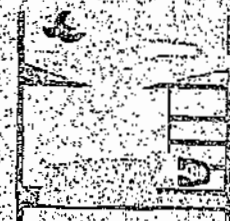
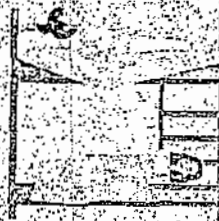
### For single beds:

- Ensure the person's laying position is head to toe



### For bunkbeds:

- Ensure the person's laying position is head to toe on each separate bunk bed, including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



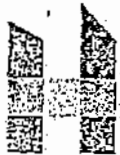
Isolation Area

## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.







# CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



## Institutional Level Rejection Notice

Date: April 28, 2020

To: SANFORD, ROBERT (V25176)  
# A 001B2017013L  
Sierra Conservation Center  
5100 O'Byrnes Ferry Rd  
Jamestown, CA 95327

Tracking #: SCC HC 20000129

Your health care grievance submitted for institutional level review does not comply with health care grievance procedures established in California Code of Regulations, Title 15, Chapter 2, Subchapter 2, Article 5, and is rejected for the following reason(s):

**Not Health Care Jurisdiction:** California Code of Regulations, Title 15, Section 3999.226(a)(4) states, "The grievant shall not submit a health care grievance for issues outside the health care jurisdiction."

Your concerns regarding housing conditions, and dorm populations should be addressed through the appropriate channels or explain why you believe this issue is within the health care jurisdiction.

You may file a CDCR 602 Inmate/Appeal and submit to the Institution Appeals Office.

Take the necessary corrective action provided in this notice, and resubmit the health care grievance to the Health Care Grievance Office where you are housed within 30 calendar days.

Health Care Grievance Office Representative  
Sierra Conservation Center

Note: Permanent health care grievance document. Do not remove from the health care grievance package.

CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES



## CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



### Patient Health Care Inquiry Response

Date: MAY 15 2020

To: SANFORD, ROBERT (V25176)  
Sierra Conservation Center  
5100 O'Byrnes Ferry Rd  
Jamestown, CA 95327

From: California Correctional Health Care Services  
Health Care Correspondence and Appeals Branch  
P.O. Box 588500  
Elk Grove, CA 95758

Tracking #: SCC PHCI 20000013

The Health Care Correspondence and Appeals Branch, California Correctional Health Care Services, has received your correspondence regarding the health care you are receiving while incarcerated within the jurisdiction of the California Department of Corrections and Rehabilitation.

Refer to the attached correspondence for full details regarding your concerns.

Your correspondence, health record, and health care grievance history, and pertinent departmental policies and procedures were reviewed. Records indicate you are enrolled in the Chronic Care Program, where your medical conditions and medication needs are closely monitored. Progress notes indicate there is a plan of care in place and the primary care provider has discussed the plan of care with you. Your medical condition will continue to be monitored with care provided as determined medically or clinically indicated by the primary care provider.

If you have health care needs, you are advised to utilize the approved processes to access health care services in accordance with California Correctional Health Care Services policy.

The California Department of Corrections and Rehabilitation and California Correctional Health Care Services have protocols in place that follow recommendations for quarantines set forth by the California Department of Public Health and the Centers for Disease Control and Prevention. Any patient who shows symptoms of COVID-19 will be tested for COVID-19 as appropriate.

Due to the unique factors of each institution and the population each institution houses, California Department of Corrections and Rehabilitation and California Correctional Health Care Services remain agile in our response to any potential case of COVID-19 based on the factors and risk related to that case, with the top priority being the safety and protection of staff, volunteers, and patients.

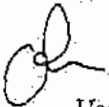
Patients with confirmed COVID-19 will be continuously assessed and monitored by institution health care staff. When possible, the patient will be assigned dedicated health care staff to provide care and their movements to different parts of the institution will be limited to decrease the risk of staff spreading COVID-19 to other parts of the institution.

R.SANFORD, V25176  
SCC PHCI 20000013  
Page 2 of 2

Facility and living conditions are not health care services issues over which California Correctional Health Care Services has jurisdiction. As such, your concerns should be addressed through the appropriate custody channels at your institution.

While the Patient Health Care Inquiry process is an administrative process to set forth your health care concerns, it is not a substitute for direct communication about your health with your health care providers. You are encouraged to continue your care with your assigned health care providers and share with them new or additional clinical information about your conditions that you believe may affect your care. However, California law directs your health care providers to offer and provide only the care they determine to be currently medically or clinically necessary for you, in accordance with appropriate policies and procedures. Previous orders from other health care facilities or staff, input from health care consultants, and/or your own personal preferences may be considered, but do not control the professional judgment of your current health care providers.

I hope this information has been helpful to you.



Health Care Services Representative  
Health Care Correspondence and Appeals Branch



Robert L. Sanford  
V-25176 BH-20L  
California Correctional Institution  
P.O. Box 107  
Tehachapi, CA 93581  
In Propria Persona,

February 15, 2021

California Correctional  
Health Care Services  
Chief; S. Gates  
P.O. Box 588500  
Elk Grove, CA 95758

RE: Requesting Signature Verification of Document Dated May 15, 2020 Tracking #  
SCC PHCI 20000013.

This letter for Chief ; S. Gates at the California Correctional Health Care Services is now being sent to your office for the verifying of the signature, needing to be identified as to who is to be held accountable for the statements and related subject matter transcribed within the document that is in question.

If your office cannot provide the person who needs to be identified by their signature, in this notice, there is no other alternative to resolve this matter other than naming you as the party, who is now held liable, for the statements transcribed and stated as facts in violation of Cal. Penal Code § 134.

This letter now serves as notice, you have ten (10) days after receipt of this letter to return the name of the person who signed this document dated May 15, 2020, Tracking #SCC PHCI 20000013.

There will be no further attempts to identify this individual, and This writer will continue the process of serving litigation upon you as the Chief of California Correctional Health Care Services; S. Gates.

I, Robert L. Sanford, Declare Under the penalty of perjury under the laws of the United States and the State of California, that this letter now serves as a notice, and the information stated herein is true and correct.

Sincerely,

---

Robert L. Sanford

EXHIBIT "C"

EXHIBIT "C"

**California Correctional Institution**

Name: Robert L. Santhorn

CDC #: 11-25776

Facility E Building CH Bed 118L

P.O. Box 107

Tehachapi, CA 93581



POSTAGE  
\$000.50<sup>00</sup>

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION INDIGENT INMATE MAIL**

To: Office of Appeals  
Department of Corrections and Rehabilitation

P.O. Box 942883

Sacramento, CA

95811

Facility Post Office Boxes

Facility A - P.O. Box 1902

Facility B - P.O. Box 1906

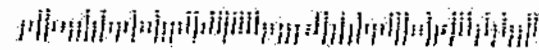
Facility C - P.O. Box 1905

Facility D - P.O. Box 608

Facility E - P.O. Box 107

Administration - P.O. Box 1031

LOGML MAIL





This envelope is sent as Unrestricted, Privileged, and Confidential if the contents do not pertain to the interests or is not of a nature that is otherwise confidential.

California Department of Corrections and Rehabilitation  
Inmate Mail  
P.O. Box 1011  
Folsom, CA 95601  
www.cdpr.ca.gov

#### AUTHORIZED ITEMS WITHIN INMATE MAIL

- 40 postage stamps 40 envelopes
- Letters/greeting cards
- 10 photographs
- Checks/money order with Inmate's name and CDC#
- Writing paper (white/yellow lined only)
- Publications (books, magazines, newspapers) **MUST** come directly from vendor
- For funds to be mailed directly to Inmate's account, send through [www.cdpr.ca.gov](http://www.cdpr.ca.gov) or (800) 574-5729

#### UNAUTHORIZED ITEMS WITHIN INMATE MAIL

If mail contains these items, it will result in an issuance of CDC # 1819 Notification of Disapproval

- No padded envelopes, cardboard, bubble wrap.
- No musical greeting cards, video's, CD's, or cassette tapes.
- No cash, No pens, pencils, or markers.
- No identification cards, credit cards, bank cards, phone cards, etc.
- No polaroid photographs, negatives, slides, or photo albums. No photos depicting drugs and/or drug paraphernalia. No photos drawings, magazines, and/or pictorials displaying frontal nudity or edier gender. Nothing which depicts, displays or describes sexual penetration or sexual acts.
- No gang affiliated material, hand gestures, or signs.
- No items of clothing, food, hard plastic, metal, wood items, magnets, rubber, glove and/or glitter.
- No tattoo patterns or tracing patterns. No jewelry.
- No mail containing unknown substance, any powder, liquid and/or solids.
- No unauthorized correspondence between inmates/parolees.
- No lipstick, perfume, cologne, and scents on the contents or envelope.
- No items which may be deemed a threat to the safety and security of the institution, or any correspondence deemed circumvention of the mail policies and procedures.
- All incoming mail must have full return address.

EXHIBIT "C"

EXHIBIT "C"



# CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



## Institutional Level Response

Closing Date: SEP 14 2020

To: SANFORD, ROBERT (V25176)  
E. CHU 2000118L  
California Correctional Institution  
P. O. Box 1031  
Tehachapi, CA 93581

Tracking #: CCI HC 20000476

### RULES AND REGULATIONS

The rules governing these issues are: California Code of Regulations, Title 15; Health Care Department Operations Manual; Mental Health Services Delivery System Program Guide; California Department of Corrections and Rehabilitation Department Operations Manual.

### HEALTH CARE GRIEVANCE SUMMARY

In your CDCR 602 HC, Health Care Grievance, you explained the decision, action, condition, omission, policy, or regulation that has had a material adverse effect upon your health or welfare for which you seek administrative remedy.

#### Issue

Issue: Non-Medical/Custody ( Housing )

#### Description

You state you feel dorm settings here at CCI are overcrowded and social distancing for COVID-19 is not being followed which puts you at risk for contracting the virus.

### INTERVIEW

Pursuant to California Code of Regulations, Title 15, Section 3999.228(f)(1), an interview was not conducted as you did not request one by initialing the appropriate box on the CDCR 602 HC, Health Care Grievance.

### INSTITUTIONAL LEVEL DISPOSITION

☒ No intervention. ☐ Intervention.

### BASIS FOR INSTITUTIONAL LEVEL DISPOSITION

Your health care grievance package and health record, and all pertinent departmental policies and procedures were reviewed. These records indicate:

- CCI is following all COVID-19 pandemic protocols put into place by Headquarters in Sacramento. You tested positive for COVID-19 with cough and headache for 1 day, however, no additional symptoms were documented in EHRS.

The California Department of Corrections and Rehabilitation and California Correctional Health Care Services have protocols in place that follow recommendations for quarantines set forth by the California Department of Public Health and the Centers for Disease Control and Prevention. Any patient who shows symptoms of COVID-19 will be tested for COVID-19 as appropriate.

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.

Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.

Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.





CALIFORNIA DEPARTMENT of  
Corrections and Rehabilitation

## CLAIMANT APPEAL CLAIMS DECISION RESPONSE

Re: Appeal Claims Decision Response

Offender Name: SANFORD, ROBERT LIONEL

Date: 12/23/2020

CDC#: V25176

Current Location: CCI-Facility E

Current Area/Bed: E BH 1 - 000020L

Log #: 000000018808

### Claim # 001

Institution/Parole Region of Origin: California Correctional Institution

Facility/Parole District of Origin: CCI-Facility E

Housing Area/Parole Unit of Origin:

Category: COVID-19

Sub-Category: Social Distancing

The California Department of Corrections and Rehabilitation (CDCR) Office of Appeals received this claim on 08/21/2020.

California Code of Regulations, Title 15, provides the Office of Appeals 60 calendar days to complete a response. Due to the expiration of time, this response by the Office of Appeals will be the only response.

You do not need to resubmit this claim to the Office of Grievances or to the CDCR Office of Appeals.

Decision: Time Expired

STATE OF CALIFORNIA  
HEALTH CARE GRIEVANCE ATTACHMENT  
CDCR 602 HC A (10/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Page 1 of 2

## STAFF USE ONLY

Tracking #:

CL1 HC 20001082

Attach this form to the CDCR 602 HC, Health Care Grievance, only if more space is needed. Only one CDCR 602 HC A may be used.  
Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI):

Sanford, Robert L

CDCR Number:

V-2576

Unit/Cell Number:

B4-202

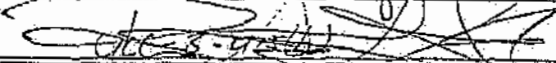
## SECTION A

Continuation of CDCR 602 HC, Health Care Grievance, Section A only (Explain the applied health care policy, decision, action, condition, or omission that has had a material adverse effect upon your health or welfare for which you seek administrative remedy):

facilities in CDCR's jurisdiction. Appellant has already contracted the COVID-19 virus twice since being transferred to CCI on June 13, 2020. I was positive for Covid, in July, 2020, and again in October, 2020. Appellant is now suffering from injury of not being able to smell, or taste, and have been recently catching up dry blood clots in the morning. Appellant's conditions are on going and, his pre-existing medical conditions, place him in a high risk category, of becoming permanently ill. From this COVID-19 pandemic, he poses no unnecessary danger to public safety, and qualifies for early release, as Appellant has served his full primary term, and now only has 667(2)(D) enhancements.

I Am a high risk inmate, that can't social distance to protect myself from contracting COVID-19. And should be medically released for high risk exposure.

Grievant Signature:



Date Submitted: 12-10-2020

SECTION B: Staff Use Only: Grievants do not write in this area. Grievance Interview Clarification. Document Issue(s) clarified during interview.

Name and Title:

Signature:

Date:

STAFF USE ONLY

RECEIVED  
DEC 14 2020  
HCGO  
COMPLETED  
FEB 16 2021  
HCGO

STATE OF CALIFORNIA

## APPEAL OF GRIEVANCE

CDCR 602-2 (03/20)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

## STAFF USE ONLY

Appeal #: \_\_\_\_\_ Date Received: \_\_\_\_\_  
 Date Due: \_\_\_\_\_  
 Categories: \_\_\_\_\_  
 Grievance #: 18808

Claimant Name: Robert L. Sanford CDCR #: 125126

Current Housing/Parole Unit: CHU 1182 Institution/Facility/Parole Region: CCI

☐ There are no claims that can be appealed.

☐ The following claims cannot be appealed:

Claim #s: 001

Now being Appealed To The Next Level. Appellant is  
dissatisfied with decision made on 8-7-2020

This is the process to appeal the decision made regarding a claim that is not listed above.

Claim #: 001

Explain the reason for your appeal of any claims not listed above. Be as specific as you can.

I am dissatisfied with the response I was given because THIS IS A NEW PROCESS.

I'm not clear, as to how this process of appeal  
works. This is not clear, for I filed the grievance  
due to the continuous over-crowded conditions at CCI  
Facility 9. yard in Doern Rev Deal and Clark Hall Low  
and upper. That has resulted in me contracting COVID  
19 And testing positive. The doerns do not provide  
6 feet of social distance and is clearly a unsafe  
condition that allows inmates in CDCR custody  
to be subjected to unreasonable risk of injury  
and suffering.

Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

The document I originally attached is case  
# 1:01-cv-01351-JST Document 3261 (Page) 8 of 15.  
However this exhibit was removed, or not  
attached. This is the supporting evidence.  
Cine "23-28"



STATE OF CALIFORNIA

## APPEAL OF GRIEVANCE

CDCR 602-2 (03/20)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

Claim #: 001

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because There is no social distancing in the dorms at CCT. The dorms are overcrowded with upper and lower bunks filled. There is only 2 1/2 feet of room between 4 people with 83 bunks in the building. These bunks need to be removed from the dorms that don't need to be used, in order to keep CCT Administration from using them, the only bunks that should be in the dorms for social distance of 6 feet. Along with only having lower bunks activated. Inmates are being injured constantly with contracting COVID-19 in these conditions that currently exist at CCT. I'm extremely dissatisfied with the decision made on my Appeal 8-7-20

Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

The documents mentioned on page (1) of this appeal. 4:01-CV-01351 Document 326!  
Filed 11-04-20 --(8 of 15)

Reminder: Please attach all documents in your possession that support your claim(s).

Please note that this form and supporting documents will not be returned to you.

Claimant Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

MAIL TO:

Office of Appeals  
Department of Corrections and Rehabilitation  
P.O. Box 942863  
Sacramento, CA 95811

STATE OF CALIFORNIA  
HEALTH CARE GRIEVANCE  
CDCR 802 HC (Rev. 08/17)

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Page 1 of 2

STAFF USE ONLY	Expedited? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Initials: <u>CC HC 20000476</u>	Tracking #
E. Christensen, RN		<u>DOB: [redacted]</u>	Date: <u>7-20-20</u>
Staff Name and Title (Print)		Signature	Date

If you think you have a medical, mental health or dental emergency, notify staff immediately. If additional space is needed, only one CDCR 802 HC A Health Care Grievance Attachment will be accepted. You must submit this health care grievance to the Health Care Grievance Office for processing. Refer to California Code of Regulations (CCR), Title 15, Section 3087 for further guidance with the health care grievance process.

Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI): <u>Sanford, Robert L</u>	CDCR #: <u>V-25176</u>	Unit/Cell #: <u>Re Deal 012</u>
--	------------------------	---------------------------------

SECTION A: Explain the decision, action, condition, omission, policy, or regulation that has had a material adverse effect upon your health and welfare for which you seek administrative remedy.

Pursuant to CCR Subsection 3084.9(a)(1)(B), and CCR 3271, this Grievant now submits this CDCR-HC-602. Due to the continuous overcrowded conditions of dorms here at CCT facility E, where Core Secretary Ralph M. Diaz, CCT (A) Warden B. Cates, Chief Deputy Warden C. Schuyler, Associate Warden B. Sanders and Chief Medical Officer S. Shiesta, where they fail to create or maintain physical distancing of (6ft) in all directions to hinder AIRBORNE. (HC 602A) no. If you need more space, use Section A of the CDCR 802 HC A.

Supporting Documents: Refer to CCR 3087.2. List supporting documents attached: unable to get copies of  
prisoner while in isolation (401-CU-01351-1st document 3261 (4-04-20)  
(80215)

☐ No, I have not attached any supporting documents. Reason:

Grievant Signature: [Signature] Date Submitted: 7-14-2020

BY PLACING MY INITIALS IN THIS BOX, I REQUEST TO RECEIVE AN INTERVIEW AT THE INSTITUTIONAL LEVEL.

HEALTH CARE GRIEVANCE REVIEW INSTITUTIONAL LEVEL: Staff Use Only		Is a CDCR 802 HC A attached? <input type="checkbox"/> Yes <input type="checkbox"/> No	
This grievance has been:			
<input type="checkbox"/> Rejected (See attached letter for instruction): Date: _____ Date: _____			
<input type="checkbox"/> Withdrawn (see section C)			
<input type="checkbox"/> Accepted	Assigned To: _____	Title: _____	Date Assigned: _____ Date Due: _____
Interview Conducted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date of Interview: _____	Interview Location: _____
Interviewer Name and Title (print): _____	Signature: _____	Date: _____	
Reviewing Authority Name and Title (print): _____	Signature: _____	Date: _____	
Disposition: See attached letter <input type="checkbox"/> Intervention <input type="checkbox"/> No Further Intervention <input type="checkbox"/> No Intervention			
If dissatisfied with Institutional Level Response, complete Section B.			
HCGO Use Only: Date closed and mailed/delivered to grievant: _____			

- |   |  |   |
|---|--|---|
| 1. Disability Code:   | 2. Accommodation:  | 3. Effective Communication:   |
| <input type="checkbox"/> TABE scores 4.0  | <input type="checkbox"/> Additional time                             | <input type="checkbox"/> Patient asked questions                      |
| <input type="checkbox"/> DPH <input type="checkbox"/> DPV <input type="checkbox"/> LD | <input type="checkbox"/> Equipment <input type="checkbox"/> SLI      | <input type="checkbox"/> Patient summed information                   |
| <input type="checkbox"/> CPS <input type="checkbox"/> DNM                             | <input type="checkbox"/> Loudspeaker <input type="checkbox"/> Slower | Please check one:   |
| <input type="checkbox"/> DCP  | <input type="checkbox"/> Basic <input type="checkbox"/> Transcribe   | <input type="checkbox"/> Not reached <input type="checkbox"/> Reached |
| <input type="checkbox"/> Not Applicable   | <input type="checkbox"/> Other                                       | *See chronologies   |

4. Comments: \_\_\_\_\_

RECEIVED  
CCT STAFF USE ONLY  
JUL 20 2020

4060

STATE OF CALIFORNIA  
HEALTH CARE GRIEVANCE ATTACHMENT  
CDCR 802 HC A (06/17)

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Page 1 of 2

## STAFF USE ONLY

Institution: CCI HC 20000176

Attach this form to the CDCR 802 HC, Health Care Grievance, only if more space is needed. Only one CDCR 802 HC A may be used.  
Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI):

Sanford, Robert L

CDCR Number:

W2576

Unit/Cell Number:

Rex Deal 01L

## SECTION A

Continuation of CDCR 802 HC, Health Care Grievance, Section A only (Explain the decision, action, condition, omission, policy or regulation that has had a material adverse effect upon your health and welfare for which you seek administrative remedy):

Person-to-person transmission of COVID-19 virus in the living areas of Dorms (see supporting document attached) (reference) is an overcrowded condition of dorms is "no doubt" a medical issue. Due to the recent spread of COVID-19 now infecting inmates here at CCI, at an alarming rate. I was transferred here to CCI on 6-18-2020, and on 6-19-2020 the outbreak began due to the overcrowded conditions of Dorms, where inmates are housed on double bunk beds with less than 2 1/2 feet of distance. There is clearly "no" social distance available with the amount of inmates housed in these dorms, that operates with reckless disregard and puts inmates at an unreasonable risk of contracting the COVID-19 virus.

Grievant Signature: [Signature]Date Submitted: 7-14-2020

## SECTION B

Continuation of CDCR 802 HC, Health Care Grievance Appeal, Section B only (Dissatisfied with Health Care Grievance Response):

Grievant Signature: [Signature]Date Submitted: 

RECEIVED

JUL 20 2020

HCCO

STAFF USE ONLY





CALIFORNIA DEPARTMENT of  
Corrections and Rehabilitation

## CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: SANFORD, ROBERT LIONEL

CDC#: V25176

Current Location: CCI-Facility E

Date: 08/07/2020

Current Area/Bed: E CHU 2 - 000118L

Log #: 000000018808

Claim #: 001

Institution/Parole Region of Origin: California Correctional Institution

Facility/Parole District of Origin: CCI-Facility E

Housing Area/Parole Unit of Origin:

Category: COVID-19

Sub-Category: Social Distancing

### I. CLAIM

Claimant says due to overcrowding in Clark Hall Low Dorm at Facility E, he cannot maintain social distancing and this creates a medical issue and puts inmates at an unreasonable risk of contracting Covid-19.

### II. RULES AND REFERENCES

#### A. CONTROLLING AUTHORITY

California Code of Regulations (CCR), Title 15, Section 3383 State of Emergency.

#### B. DOCUMENTS CONSIDERED

Statement of California Executive Order N-36-20 dated March 24, 2020 Director's COVID-19 Memorandum dated April 7, 2020 (REVISED COVID-19 MANDATORY 14-DAY MODIFIED PROGRAM) Director's COVID 19 Memorandum dated May 11, 2020 (COVID-19 GUIDANCE FOR DAILY PROGRAM REGARDING SOCIAL DISTANCING FOR CELL OR ALTERNATIVE /DORM STYLE HOUSING OF EIGHT PERSON COHORTS) California Health Care Services Memorandum dated May 22, 2020 (COVID-19 PANDEMIC-ROAD MAP TO REOPENING OPERATIONS)

### III. REASONING AND DECISION

On March 24, 2020, Governor G. Newsom implemented Executive Order N-36-20 due to the COVID-19 pandemic. On April 7, 2020, each institution was ordered to implement a 14 day modified program in an effort to limit the spread of COVID-19. Since then CDCR has issued Memorandum dated May 11, 2020, specifically addressing almost every aspect of inmate programming. To date, those restrictions remain in place to protect staff & inmates alike. CDCR Memorandum dated May 22, 2020, discusses the progression of CDCR to Phase 2 of Governor Newsom's Executive Order to Reopen California. However, out of an abundance of caution, the restrictions implemented on May 11, 2020, will remain in effect. Additionally, with the recent identification of active COVID-19 cases amongst the inmate population, it is even more critical that these directives are adhered to. The CDCR and CCI are committed to the safety of the community, staff, and those in its care. Executives and staff at CDCR and California Correctional Health Care Services (CCHCS) are working closely with infectious disease control experts to minimize the impact of COVID-19 on our operations. CDCR and CCHCS are dedicated to the safety of everyone who lives in, works in, and visits our state prisons. The Department has longstanding outbreak management plan in place to address communicable disease outbreaks such as influenza, measles, mumps, norovirus, and varicella, as well as preparedness procedures to address a variety of medical emergencies and natural disasters. All CDCR institutions have been instructed to conduct additional deep-cleaning efforts in high-traffic, high-volume areas, including visiting and health care facilities. Additional hand sanitizer dispensing stations are being procured and will be placed inside adult institution entrances and visiting areas. The incarcerated population is being provided extra soap when requested and hospital-grade disinfectant that meets Centers for Disease Control and Prevention (CDC) guidance for COVID-19. On July 28, a physical inspection of Clark Hall Up was completed by Lieutenant Bromiley and found to be in compliance with all CDCR social distancing guidelines.

**Decision: Disapproved**

After a thorough review of all documents and evidence presented at the Office of Grievances Level, it is the order of the Office of Grievance to DISAPPROVE the claim.

If you are dissatisfied with the decision of this claim, you may file a 602-2, appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Staff Signature	Title	Date/Time
P. Horn [HOPA011]	cdw	08/06/2020

STATE OF CALIFORNIA

## APPEAL OF GRIEVANCE

CDCR 502-2 (03/20)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 1 of 2

## STAFF USE ONLY

Appeal #: \_\_\_\_\_ Date Received: \_\_\_\_\_

Date Due: \_\_\_\_\_

Categories: \_\_\_\_\_

Grievance #: 18808Claimant Name: Robert L. Sanford CDCR #: 125126Current Housing/Parole Unit: CHU 118L Institution/Facility/Parole Region: CCI☐ There are no claims that can be appealed.☐ The following claims cannot be appealed:

Claim #s:

001Now being Appealed To The Next Level. Appellant is  
dissatisfied with decision made on 8-7-2020This is the process to appeal the decision made regarding a claim that is not listed above.Claim #: 001

Explain the reason for your appeal of any claims not listed above. Be as specific as you can.

I am dissatisfied with the response I was given because This is a new process.I'm not clear, as to how this process of Appeal  
works. This is not clear, for I filed the grievance  
due to the continuous over-crowded conditions at CCI  
Facility 9. yard in Dorm Rev Deal and Clark Hall Low  
and upper. That has resulted in me contracting COVID  
19, And testing positive. The dorms do not provide  
a lot of social distance and is clearly a unsafe  
condition that allows inmates in CDCR custody  
to be subjected to unreasonable risk of injury  
and suffering.

Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

The document I originally attached is Case  
# 401-CV-01351-JST Document 3261 (Page) 8 of 15.  
However this exhibit was removed, or not  
attached. This is the supporting evidence.  
Cine # 23-28"



STATE OF CALIFORNIA

## APPEAL OF GRIEVANCE

CDCR 602-2 (03/20)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

Claim #: 001

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because There is no social distancing in the dorms at CCT. The dorms are overcrowded, with upper and lower bunks filled. There are only 2 1/2 feet of room between 4 people with 83 bunks in the building. These bunks need to be removed from the dorms that don't need to be used, in order to keep CCT Administration from using them, the only bunks that should be in the dorms for social distance, at 6 feet. Along with only having lower bunks activated. Inmates are being injured constantly with contracting COVID-19 in these conditions that currently exist at CCT. I'm extremely dissatisfied with the decision made on my Appeal 3-7-20.

Are there documents that would be helpful to support your position? Attach copies of those documents, if you don't have the documents, identify them as best you can below:

The documents mentioned on page (1) of this appeal. 4:01-CV-01351 Document 3261 Filed 4-04-20 ~ (8 of 15)

Reminder: Please attach all documents in your possession that support your claim(s).

Please note that this form and supporting documents will not be returned to you.

Claimant Signature: [Signature]Date Signed: 2-16-21

MAIL TO:

Office of Appeals  
Department of Corrections and Rehabilitation  
P.O. Box 942883  
Sacramento, CA 95811

STATE OF CALIFORNIA  
HEALTH CARE GRIEVANCE  
CDCR 602 HC (Rev. 06/17)

DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Page 1 of 2

STAFF USE ONLY	Expedited? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Initials: <u>CE HC 20000476</u>	Tracking #:
E. Christensen, RN		Signature: <u>[Signature]</u>	Date: <u>7-20-20</u>

If you think you have a medical, mental health or dental emergency, notify staff immediately. If additional space is needed, only one CDCR 602 HC A Health Care Grievance Attachment will be accepted. You must submit this health care grievance to the Health Care Grievance Office for processing. Refer to California Code of Regulations (CCR), Title 15, Section 3087 for further guidance with the health care grievance process.

Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI): <u>Sanford, Robert L.</u>	CDCR #: <u>V-25176</u>	Unit/Cell #: <u>Re Deal 012</u>
---	------------------------	---------------------------------

SECTION A: Explain the decision, action, condition, omission, policy, or regulation that has had a material adverse effect upon your health and welfare for which you seek administrative remedy.

Pursuant to CCR Subsection 3084.9(b)(1)(B), and CCR 3271, this Applicant now submits this CDCR HC-602. Due to the continuous overcrowded conditions of dorms here at CCI facility E, where CCR Secretary Ralph M. Diaz, CCI (A) Warden B. Cates, Chief Deputy Warden C. Schuyler, Associate Warden B. Sanders and Chief Medical Officer, S. Shiesha, where they fail to create or maintain physical distancing of (6ft) in all directions to hinder airborne. (HC 602 A)

If you need more space, use Section A of the CDCR 602 HCA

Supporting Documents: Refer to CCR 3087.2. List supporting documents attached: unable to get copies of original while in isolation (401-CV-01351-151 document 3261 (4-04-20) (3015))

☐ No, I have not attached any supporting documents. Reason:

Grievant Signature: <u>[Signature]</u>	Date Submitted: <u>7-14-2020</u>
--	----------------------------------

BY PLACING MY INITIALS IN THIS BOX, I REQUEST TO RECEIVE AN INTERVIEW AT THE INSTITUTIONAL LEVEL

HEALTH CARE GRIEVANCE REVIEW INSTITUTIONAL LEVEL: Staff Use Only		Is a CDCR 602 HC A attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
This grievance has been:			
<input type="checkbox"/> Rejected (See attached letter for instruction): Date: _____ Date: _____			
<input type="checkbox"/> Withdrawn (see section C)			
<input type="checkbox"/> Accepted Assigned To: _____ Title: _____ Date Assigned: _____ Date Due: _____			
Interview Conducted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Date of Interview: _____ Interview Location: _____	
Interviewer Name and Title (print): _____ Signature: _____ Date: _____		Reviewing Authority Name and Title (print): _____ Signature: _____ Date: _____	
Disposition: See attached letter <input type="checkbox"/> Intervention <input type="checkbox"/> No Further Intervention <input type="checkbox"/> No Intervention			
If dissatisfied with Institutional Level Response, complete Section B.			
HCGO Use Only: Date closed and mailed/delivered to grievant: _____			

1. Disability Code: <input type="checkbox"/> TABE score $\leq 4.0$ <input type="checkbox"/> OPH <input type="checkbox"/> DPV <input type="checkbox"/> LD <input type="checkbox"/> CPS <input type="checkbox"/> DMH <input type="checkbox"/> BOP <input type="checkbox"/> Not Applicable	2. Accommodation: <input type="checkbox"/> Additional time <input type="checkbox"/> Equipment <input type="checkbox"/> SLI <input type="checkbox"/> Loudspeaker <input type="checkbox"/> Slower <input type="checkbox"/> Basic <input type="checkbox"/> Transcribe <input type="checkbox"/> Other	3. Effective Communication: <input type="checkbox"/> Patient asked questions <input type="checkbox"/> Patient summed information Please check one: <input type="checkbox"/> Not reached <input type="checkbox"/> Reached *See chronologies
4. Comments: _____		

RECEIVED  
CCI  
JUL 20 2020  
STAFF USE ONLY  
HCGO

STATE OF CALIFORNIA  
HEALTH CARE GRIEVANCE ATTACHMENT  
CDCR 802 HC A (08/17)DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Page 1 of 2

## STAFF USE ONLY

Institution:

CCT HC 20000176

Attach this form to the CDCR 802 HC, Health Care Grievance, only if more space is needed. Only one CDCR 802 HC A may be used. Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI):

Sanford, Robert L

CDCR Number:

V-25176

Unit/Cell Number:

ReX Deal 01L

## SECTION A

Continuation of CDCR 802 HC, Health Care Grievance, Section A only (Explain the decision, action, condition, omission, policy or regulation that has had a material adverse effect upon your health and welfare for which you seek administrative remedy):

Person-to-person transmission of COVID-19 virus in the living areas of Dorms (see supporting document attached) (reference)  
 This overcrowded condition of dorms is "no doubt" a medical issue. Due to the recent spread of COVID-19 now infecting inmates here at CCT, at an alarming rate, I was transferred here to CCT on 6-8-2020 and on 6-19-2020 the outbreak began due to the overcrowded conditions of Dorms, where inmates are housed on double bunk beds with less than 2 ft of distance. There is clearly "no" social distance available with the amount of inmates housed in these dorms, that operates with reckless disregard and puts inmates at an unreasonable risk of contracting the COVID-19 virus.

Grievant Signature:

Date Submitted: 7-14-2020

SECTION B: Continuation of CDCR 802 HC, Health Care Grievance Appeal, Section B only (Dissatisfied with Health Care Grievance Response):

Grievant Signature:

Date Submitted:

RECEIVED

CCT  
JUL 20 2020

HCCO

STAFF USE ONLY



**California Correctional Institution**

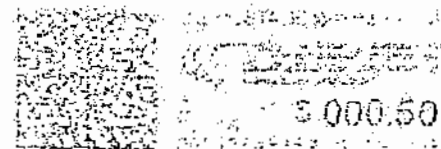
Name: Robert L. Sanborn

CDC #: 11-25726

Facility E Building CHU Bed 1181

P.O. Box 107

Tehachapi, CA 93581



**CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION INDIGENT INMATE MAIL**

Facility Post Office Boxes

Facility A - P.O. Box 1902

Facility B - P.O. Box 1906

Facility C - P.O. Box 1905

Facility D - P.O. Box 608

Facility E - P.O. Box 107

Administration - P.O. Box 1031

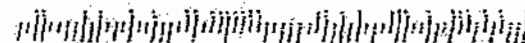
To: Office of Appeals  
Department of Corrections and Rehabilitation

P.O. Box 942883

Sacramento, CA

95811

LEGAL MAIL



This envelope is sent as Unprivileged, Confidential, and Confidential or is not of a privileged, confidential, or confidential nature.

California Department of Corrections and Rehabilitation  
 Mail Stop 1001  
 P.O. Box 93161  
 Sacramento, CA 95831

# AUTHORIZED ITEMS WITHIN INMATE MAIL

- 10 postage stamps/40 envelopes
- Letters greeting cards
- 10 photographs
- Check/money order with inmate's name and CDC #
- Writing paper (white/yellow lined only)
- Publications (books, magazines, newspapers) **MUST** come directly from vendor
- For funds to be mailed directly in inmate's account, send through [www.inmate.com](http://www.inmate.com) or (800) 574-5719

## UNAUTHORIZED ITEMS WITHIN INMATE MAIL

If mail contains these items, it will result in an issuance of a CDC Form 1819 Notification of Disapproval

- No padded envelopes, cardboard, bubble wrap
- No musical greeting cards, video's, CD's, or cassette tapes.
- No cash, No pens, pencils, or markers.
- No identification cards, credit cards, bank cards, phone cards, etc.
- No pornographic photographs, negatives, slides, or photo albums. No photos depicting drugs and/or drug paraphernalia. No photos drawings, magazines, and/or pictorials displaying frontal nudity of either gender. Nothing which depicts, displays or describes sexual penetration or sexual acts.
- No gang affiliated material, hand gestures, or signs.
- No items of clothing, food, hard plastic, metal, wood items, magnets, rubber, glue and/or glitter.
- No tattoo patterns or tracing patterns. No jewelry.
- No mail containing unknown substance, any powder, liquid and/or solids.
- No unauthorized correspondence between inmates/prisoners.
- No lipsticks, perfume, cologne, and scents on the contents or envelope.
- No items which may be deemed a threat to the safety and security of the institution, or any correspondence deemed circumvention of the mail policies and procedures.
- All incoming mail must have full return address.



CALIFORNIA DEPARTMENT of  
Corrections and Rehabilitation

## CLAIMANT APPEAL CLAIMS DECISION RESPONSE

Re: Appeal Claims Decision Response

Offender Name: SANFORD, ROBERT LIONEL

CDC#: V25176

Current Location: CCI-Facility E

Date: 12/23/2020

Current Area/Bed: E BH 1 - 000020L

Log #: 000000018808

### Claim # 001

Institution/Parole Region of Origin: California Correctional Institution

Facility/Parole District of Origin: CCI-Facility E

Housing Area/Parole Unit of Origin:

Category: COVID-19

Sub-Category: Social Distancing

The California Department of Corrections and Rehabilitation (CDCR) Office of Appeals received this claim on 08/21/2020.

California Code of Regulations, title 15, provides the Office of Appeals 60 calendar days to complete a response. Due to the expiration of time, this response by the Office of Appeals will be the only response.

You do not need to resubmit this claim to the Office of Grievances or to the CDCR Office of Appeals.

**Decision: Time Expired**





CALIFORNIA DEPARTMENT OF  
Corrections and Rehabilitation

## CLAIMANT GRIEVANCE CLAIMS DECISION RESPONSE

Re: Grievance Claims Decision Response

Offender Name: SANFORD, ROBERT LIONEL

Date: 08/07/2020

CDC#: V25176

Current Location: CCI-Facility E

Current Area/Bed: E CHU 2 - 000118L

Log #: 000000018808

Claim #: 001

Institution/Parole Region of Origin: California Correctional Institution

Facility/Parole District of Origin: CCI-Facility E

Housing Area/Parole Unit of Origin:

Category: COVID-19

Sub-Category: Social Distancing

### I. CLAIM

Claimant says due to overcrowding in Clark Hall Low Dorm at Facility E, he cannot maintain social distancing and this creates a medical issue and puts inmates at an unreasonable risk of contracting Covid-19.

### II. RULES AND REFERENCES

#### A. CONTROLLING AUTHORITY

California Code of Regulations (CCR), Title 15, Section 3383 State of Emergency.

#### B. DOCUMENTS CONSIDERED

Statement of California Executive Order N-36-20 dated March 24, 2020  
Director's COVID-19 Memorandum dated April 7, 2020 (REVISED COVID-19 MANDATORY 14-DAY MODIFIED PROGRAM)  
Director's COVID 19 Memorandum dated May 11, 2020 (COVID-19 GUIDANCE FOR DAILY PROGRAM REGARDING SOCIAL DISTANCING FOR CELL OR ALTERNATIVE /DORM STYLE HOUSING OF EIGHT PERSON COHORTS)  
California Health Care Services Memorandum dated May 22, 2020 (COVID-19 PANDEMIC-ROAD MAP TO-REOPENING OPERATIONS)

### III. REASONING AND DECISION

On March 24, 2020, Governor G. Newsom implemented Executive Order N-36-20 due to the COVID-19 pandemic. On April 7, 2020, each institution was ordered to implement a 14 day modified program in an effort to limit the spread of COVID-19. Since then CDCR has Issued Memorandum dated May 11, 2020, specifically addressing almost every aspect of inmate programming. To date, those restrictions remain in place to protect staff & inmates alike. CDCR Memorandum dated May 22, 2020, discusses the progression of CDCR to Phase 2 of Governor Newsom's Executive Order to Reopen California. However, out of an abundance of caution, the restrictions implemented on May 11, 2020, will remain in effect. Additionally, with the recent identification of active COVID-19 cases amongst the inmate population, it is even more critical that these directives are adhered to. The CDCR and CCI are committed to the safety of the community, staff, and those in its care. Executives and staff at CDCR and California Correctional Health Care Services (CCHCS) are working closely with infectious disease control experts to minimize the impact of COVID-19 on our operations. CDCR and CCHCS are dedicated to the safety of everyone who lives in, works in, and visits our state prisons. The Department has longstanding outbreak management plan in place to address communicable disease outbreaks such as influenza, measles, mumps, norovirus, and varicella, as well as preparedness procedures to address a variety of medical emergencies and natural disasters. All CDCR institutions have been instructed to conduct additional deep-cleaning efforts in high-traffic, high-volume areas, including visiting and health care facilities. Additional hand sanitizer dispensing stations are being procured and will be placed inside adult institution entrances and visiting areas. The incarcerated population is being provided extra soap when requested and hospital-grade disinfectant that meets Centers for Disease Control and Prevention (CDC) guidance for COVID-19. On July 28, a physical inspection of Clark Hall Up was completed by Lieutenant Bromiley and found to be in compliance with all CDCR social distancing guidelines.

**Decision: Disapproved**

After a thorough review of all documents and evidence presented at the Office of Grievances Level, it is the order of the Office of Grievance to DISAPPROVE the claim.

If you are dissatisfied with the decision of this claim, you may file a 602-2, appeal with the California Department of Corrections and Rehabilitation Office of Appeals.

Staff Signature	Title	Date/Time
P. Horn [HOPA011]	cdw	08/06/2020

EXHIBIT "D"

EXHIBIT "D"





# HEALTH CARE SERVICES



## Institutional Level Response

Closing Date: FEB 16 2021

To: SANFORD, ROBERT (V25176)  
E BH 1000020L  
California Correctional Institution  
P. O. Box 1031  
Tehachapi, CA 93581

Tracking #: CCI HC 20001082

### RULES AND REGULATIONS

The rules governing these issues are: California Code of Regulations, Title 15; Health Care Department Operations Manual; Mental Health Services Delivery System Program Guide; California Department of Corrections and Rehabilitation Department Operations Manual.

### HEALTH CARE GRIEVANCE SUMMARY

In your CDCR 602 HC, Health Care Grievance, you explained the decision, action, condition, omission, policy, or regulation that has had a material adverse effect upon your health or welfare for which you seek administrative remedy.

#### Issue

Issue: COVID-19 (Expedited Release)

#### Description

You state you are seeking an early release due to COVID-19. You have tested positive twice (July & October 2020) and have lost taste, unable to smell, and recently started coughing up dry blood clots. You are considered high risk in which you suffer from asthma, anemic disorder, and alpha thalassemia.

### INTERVIEW

Pursuant to California Code of Regulations, Title 15, Section 3999.228(f)(1), an interview was not conducted as you did not request one by initialing the appropriate box on the CDCR 602 HC, Health Care Grievance.

### INSTITUTIONAL LEVEL DISPOSITION

☒ No intervention. ☐ Intervention.

### BASIS FOR INSTITUTIONAL LEVEL DISPOSITION

Your health care grievance package and health record, and all pertinent departmental policies and procedures were reviewed. These records indicate:

- That all of your medical concerns are being monitored and are stable at this time. You were seen and assessed by RN for grieved symptoms.

The California Department of Corrections and Rehabilitation developed a COVID-19 Risk Score based upon the likelihood of a person developing serious COVID-19 related illness. Conditions and diagnoses that contribute to a person's COVID-19 Risk Score include: Moderate or severe asthma; Cystic fibrosis, pulmonary

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.

Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.

Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.

fibrosis, chronic obstructive pulmonary disease, or other chronic lung disease; Diabetes; Congestive heart failure and other serious heart disease; HIV/AIDS; Aplastic anemia, histiocytosis, and other immunocompromising conditions; Severe obesity; Advanced liver disease; Chronic kidney disease; Hemoglobin disorders such as sickle-cell disease; Receiving treatment for cancer or hemodialysis treatment; Other severe chronic diseases, like connective tissue disorder, dementia, muscular sclerosis, neurological disorder, endocrine disorder, and vasculitis; and Pregnancy or age 65 or older.

All inmates have been automatically assigned a COVID-19 Risk Score based upon age and current health conditions. The risk score is updated every day. No action is required on the part of the inmate.

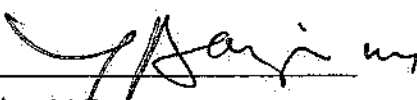
Inmates at highest risk of COVID-19 complications, with a COVID-19 Risk Score of 4 or higher, will undergo additional custodial screening to determine which individuals will qualify for expedited release. Because older people are more likely to have COVID-19 complications, inmates age 65 or older automatically have a COVID-19 Risk Score of 4.

If you are determined to be eligible for release, you will be notified.

Your medical condition will continue to be monitored with care provided as determined medically or clinically indicated by the primary care provider. If you have additional health care needs, you may access health care services by utilizing the approved processes in accordance with California Correctional Health Care Services policy.

While the health care grievance process is a means of setting forth your health care concerns, it is not a substitute for direct communication about your health with your health care providers. You are encouraged to continue your care with your assigned health care providers and share with them new or additional clinical information about your conditions that you believe may affect your care. However, California law directs your health care providers to offer and provide only the care they determine to be currently medically or clinically necessary for you, in accordance with appropriate policies and procedures. Previous orders from other health care facilities or staff, input from health care consultants, and/or your own personal preferences may be considered, but do not control the professional judgment of your current health care providers.

If you are dissatisfied with the Institutional Level Response, follow the instructions on the CDCR 602 HC, Health Care Grievance, and submit the entire health care grievance package for headquarters' level review. The headquarters' level review constitutes the final disposition on your health care grievance and exhausts your administrative remedies.



U. Baniga, M.D.  
Chief Physician and Surgeon  
California Correctional Institution

02/16/2021  
Reviewed and Signed Date

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.

Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.

Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.

EXHIBIT "E"

EXHIBIT "E"

California Correctional Health Care Services

Patient Discharge Instructions

Name: SANFORD, ROBERT LIONEL Current Date: 02/16/21 11:07:10

DOB: 11/29/63 CDCR: V25176

Immunizations Provided:

Immunization(s) Given This Visit

Name	Date
SARS-CoV-2 (COVID-19) mRNA-1273 vaccine	02/10/21 13:05:00
hepatitis A-hepatitis B vaccine	09/24/20 11:21:00
hepatitis A-hepatitis B vaccine	08/27/20 08:19:00
influenza virus vaccine, inactivated	11/10/20 10:01:00

Reason For Visit: Alpha thalassemia trait; Anemia; Encounter for screening laboratory testing for COVID-19 virus; Immunization due; Loss of smell; Nocturia

Recommendations and arrangements for future care

Devices/Equipment:

Eyeglass Frames Permanent Other/Unknown, Do Not Dispense, Patient Already Has

Provider Comment:

**MEDICATIONS:**

During the course of your visit your medication list was updated with the most current information.

**Continue taking these Medications:**

Last Name SANFORD

First Name ROBERT  
02/16/2021 11:07:12

CDCR (Encounter Alias) V25176  
1 of 10



EXHIBIT "F"

EXHIBIT "F"



**PRISON LAW OFFICE**  
General Delivery, San Quentin, CA 94964  
Telephone (510) 280-2621 • Fax (510) 280-2704  
[www.prisonlaw.com](http://www.prisonlaw.com)

*Director:*  
Donald Spector

*Managing Attorney:*  
Sara Norman

*Staff Attorneys:*  
Rana Anabrawi  
Patrick Booth  
Steven Fama  
Alison Hardy  
Sophie Hart  
Corene Kendrick  
Rita Lomio  
Margot Mendelson  
Shira Tevah

## LEGAL MAIL - CONFIDENTIAL

April 23, 2020

Robert Sanford, V25176  
SCC  
5150 O'Byrnes Ferry Rd.  
Jamestown, CA 95327

Dear Mr. Sanford:

We write in response to the letter our office received on 4/22/2020, in which you report concerns regarding overcrowding in the dorms given the ongoing COVID-19 pandemic. Thank you for writing to express your concerns. We appreciate the information you shared.

Please see enclosed for information about CDCR's policies regarding COVID-19 and the status of our office's advocacy.

As the letter explains, we too believe the crowded conditions in CDCR are an unacceptable risk of harm from COVID-19. In March, we asked the three judge federal court in the Plata and Coleman class actions (about medical and mental health care in the prisons) to order CDCR to release people. On April 4, 2020, the court denied the motion, saying that we needed to ask the judges in the individual cases for orders to keep people safe before releases could be considered.

On April 8th, we filed a motion in the Plata court, asking that CDCR ensure that people at highest risk for severe complications from the virus are safe, either by housing them where they can best do physical distancing, transferring them to another facility, or releasing them. However, on April 17, 2020, the motion was denied. The Court ruled CDCR had taken adequate steps so far in response to COVID-19 and for that reason was not violating the constitutional rights of people in prison. The Court also said CDCR had now promised to follow the Court Receiver's directive to create eight-person groups, separated from each other by at least six feet, in dorms.

We were told earlier this week that CDCR has created 8-person pods in SCC dorms, to facilitate social distancing. We're asking for more information about these pods from CDCR, but if there's any information you can share with us, we would really appreciate it.

### Board of Directors

Penelope Cooper, President • Margaret Johns, Vice President • Marshall Krause, Treasurer  
Harlan Grossman • Christiane Hipps • Cesar Lagleva • Jean Lu • Laura Magnani • Michael Marcum  
Ruth Morgan • Seth Morris • Vishal Shah • Michele WalkinHawk

1. Have beds been re-arranged into groups of 8? If so, is there at least 6 ft of space between each pod? On April 11, 2020 SCC Administration ordered its staff to implement a shifting of beds in SCC dorms. There are (16) beds in each dorm, with upper and lower bunks that house (32) inmates. This shift of these beds, in the designed living areas of this dorm setting is 42'x 20', not including the space the beds and lockers take up. There were no beds removed, this shift only allowed spacing between two(2) of the middle bunk areas on one side of each bunk, the opposite side of the remaining bunks have only 2½ feet of spacing between them. SCC dorms "can not" create 6 ft of social distancing in the dorms, that have 16 beds in each dorm, with (32) inmates. It's physically, and mathematically impossible unless they down-size the dorm to only (10) bunks and only (10) inmates in each dorm. This will be the only way to create 6 ft of social distancing in SCC dorms. (Please note, these are not pods, and there is no dividers or separation.).

2. How close together are the beds in the pods? In SCC dorms that are not pods, the beds are only 2½ apart from each other, (4) beds with upper and lower bunks that have approx (8) inmates at all times are living in 2½ ft of space from each other. This is clearly no where near social distancing of 6 ft as required by the CDC, and certainly not correct as to the implied bed space they claim to have created as 8 person pods, this is absolutely incorrect, these bunks are upper and lower with only 2½ ft of spacing between them, and on the area in the dorms at SCC that was created space for, is only on one side, the opposite side has only 2½ ft. Again this is not 6 ft social distance.

3. How many bathrooms and sinks are there in the dorm? Do the pods share bathrooms/sinks? The bathroom area in each dorm at SCC is approx 18'ft x 6'ft 6" inches with (1) urinal only 1 foot away from (3) sinks that are only 8" inches apart from each other, (2) toilets that are only 1½ ft away from the urinal, and the other toilet is approx 2 ft away from the other. There is only one shower for (32) inmates to use on a daily basis, and the same for the urinal, sinks, and toilets.

4. Where are meals eaten? What, if any, precautions are being taken to prevent transmission during meals? As of April 27, 2020, SCC circulated a memorandum where we are now required to where a face mask during any movement including chow. There is approx (3) dorms released for chow at one time, we all have to sit at a table of (4) inmates per table, the distance between each seat is less than 1 ft, and the tables are less than two feet apart from each other. There is no social distance available during meals, at SCC there is no possible remedy to feed approx 70-90 inmates for meal out of three dorms at SCC, even with the releasing of less dorms at a time during meals, there is no possible way to seat inmates in the chow hall without sitting them (4) at each table only 1 foot apart. This is not a preventive measure to COVID-19 during meals.

5. Is there anything else we should know? Yes along with the facts mentioned in this quirey Petitioner et al, also wants to make you aware that there was no PPE issued to the SOC population, regarding mask, until April 27, 2020 (see attached copy of memorandum). There is only (1) ounce of bleach being distributed to each dorm, that is clearly not enough cleaning solution to maintain the constant cleaning of over 20 inmates per dorm.

These dorms at SOC are clearly overcrowded and are a "dangerous condition" with the threat of COVID-19. these dorms are what can be considered "Incubators of death". SOC Administration is not being truthful, with you about the dorm settin here at SOC, these are not pods, they are dorms, with no petitions, or dividers between the beds of any sort. I have submitted a Health-care 602 on 4-26-2020 regarding these conditions as an emergency pursuant to CCR § 3084.9 (a)(1)(B)(2) as issue for health and safety concerns of this deadly virus COVID-19 and explaining that the over-crowded dorms are "incubators of death" and they need to lower the dorm population, and remove 4 beds from each dorm without having the upper bunks used.

We thank you in advance for your help and hope you're doing okay in these uncertain times.

Thank you for responding, and I hope some action will be taken with regards to this issue.

Sincerely,

Ilian Meza-Peña

Litigation Assistant under Sophie Hart

Enclosures: CDCR COVID Info; SASE

I have enclosed a copy of the HC-602 I submitted that has not been replied to as of May 1, 2020, if there is something more that I can do, to assist you with this matter please let me know.

Sincerely,

Robert L. Sanford et al.,



**ADA/Effective Communication Patient Summary**

As of: 12/14/2020 09:11

**Patient Information**

NAME: SANFORD, ROBERT  
CDCR: V25176

**Disability Placement Program****Current DPP Code(s):****DPP Verification/Accommodation Date:****Current Housing Restrictions/Accommodations:****Methods of Communication****SLI:****Primary Method:****Secondary Method:****Interview Date:****Developmental Disability Program****Current DDP Code:****Effective Date:****Adaptive Support Needs:****Testing of Adult Basic Education (TABE)****TABE Score:** 11.3**TABE Date:** 09/19/2017 00:00**Learning Disabilities****Learning Disabilities:****English Proficiency****LEP:** No**Primary Language:** English**Durable Medical Equipment****Current ISSUED DME:**

- \* Eyeglass Frames Permanent
- \* Knee Braces Permanent
- \* Wrist Support Brace Permanent

**MHSDS****MHLOC:** GP

RECEIVED  
CCJ  
DEC 14 2020  
HCGO

COMPLETED  
CCJ  
FEB 16 2021  
HCGO

# **EXHIBIT B**

ROBERT L. SANFORD, V-25176  
CALIF. CORR. INST.  
FAC. E., BH-20L  
P.O. BOX 107  
TEHACHAPI, CA 93581

SUPERIOR COURT OF CALIFORNIA

COUNTY OF KERN

ROBERT L. SANFORD,  
Plaintiff,

v.

GAVIN NEWSOM; RALPH M. DIAZ; KATHLEEN  
ALLISON; B. CATES; C. SCHUYLER; B. SANDERS;  
S. SHIESHA; U. BANIGA; CALIFORNIA  
CORRECTIONAL INSTITUTION; AND DOES 1-5,  
Defendants.

) Case No. BCV-21-100477  
) AMENDED COMPLAINT  
) 1. NEGLIGENCE  
) 2. INTENTIONAL  
) TORT  
) 3. DEPENDENT ADULT  
) ABUSE  
) 4. UNLIMITED CIVIL  
) ACTION  
) 5. GROSS NEGLIGENCE

TRIAL BY JURY DEMANDED

COMPLAINT FOR MONEY DAMAGES AND INJUNCTION

I. JURISDICTION

1. Plaintiff now brings this lawsuit pursuant to Cal. Const.  
art. VI, §§ 10, 11; and art. I, § 16, sec. 395

II. VENUE

2. section 305, County in which the defendants reside. All  
defendants are responsible for the injuries sustained in  
the County of Kern at the California Correctional Inst. where  
Plaintiff resides.

III. PARTIES

3. Plaintiff ROBERT L. SANFORD, was at all times relevant to  
this action a prisoner incarcerated at the California Correctional  
Institution located in Kern County.

4. Defendant GAVIN NEWSOM was at all times relevant to this  
action the Governor of the State of California and was acting  
under color of state and federal law. He is responsible by  
constitution, statute, and by his own executive order to

1 ensure the safety and wellbeing of incarcerated inmates including  
2 but not limited to Plaintiff here. He is sued in his personal  
3 capacity for damages, and in his professional capacity for  
4 injunctive relief.

5 5. Defendant Warden B. Cates was at all times relevant to this  
6 action acting under color of state and federal law. He is the  
7 custodian, having custody over Plaintiff who is dependent on  
8 Defendant Warden B. Cates for reasonable safety from communicable  
9 diseases such as Covid-19 infection and spreading within  
10 Plaintiff's housing unit and prison facility by complying with  
11 and implementing housing policies directed by the California  
12 Department of Corrections and Rehabilitation. Defendant Warden  
13 B. Cates is sued in his professional capacity for injunctive  
14 relief and personal capacity for damages and equitable relief.

#### 15 IV. EXHAUSTION OF REMEDIES

16 6. Plaintiff exhausted all administrative grievances.

17 7. Plaintiff exhausted Government Claims form application timely.

#### 18 V. FACTUAL ALLEGATIONS

19 8. On or about March 2020, Defendant Gavin Newsom issued an  
20 executive order mandating citizens to stay at home and practicing  
21 social distancing of SIX FEET APART, while wearing face masks  
22 and washing hands to mitigate the infection and spread of  
23 Covid-19.

24 9. Plaintiff was transferred to the California Correctional  
25 Institution on or about June 2020.

26 10. Every day the Sergeant during second watch would come  
27 to visit each building to assess the status of officers



1 assigned to each building as to their compliance with Covid-19  
2 safety protocols. These sergeants would also tour the facility  
3 inspecting pill call practices, as well as custody practices  
4 during chow feeding of inmates. Sergeants during second watch  
5 which included the hours of 6:00 a.m. to 2:00 p.m. was aware  
6 of all custody practices and the failure of custody to implement  
7 Covid-19 safety protocols to prevent the infection and spreading  
8 of Covid-19 across Facility E where Plaintiff was housed.

9 11. Second watch Sergeants notified the Captain of the fact  
10 that each dormitory housing unit was not in compliance with  
11 the partition to separate double bunks and single bunks in  
12 dormitory housing units nor maintained any of the bunks  
13 parallel to the building walls as prescribed by CDCR's Covid-19  
14 housing unit policy. See Exhibit A.

15 12. The Captain, during the Warden meeting, notified the Warden  
16 B. Cates the defendant here that the dormitory housing units  
17 were not in compliance with housing' policy standards pursuant  
18 to Exhibit A. This occurred each month from June 2020 to present.

19 13. Plaintiff resided at the Van Westin building with cell  
20 living from June 18th to June 27th of 2020.

21 14. Plaintiff was then transferred to Clark Hall Low June 27  
22 of 2021 of thereabouts until July 10, 2020; A Dormitory.

23 15. Plaintiff was then transferred to Rex Deal July 10, 2020  
24 to July 12th. Plaintiff was confirmed to having contracted Co  
25 Covid-19 on July 11, 2020. See Exhibit B. Rex Deal was a  
26 Dormitory.

27 16. Defendant Warden B. Cates was playfully juggling with

1 Plaintiff's life by transferring Plaintiff from a cell to  
2 dormitory living with 150 plus other inmates, from one  
3 dorm to the next within a short period of time, despite  
4 knowing the stay at home mandate issued by Governor  
5 Gavin Newsom.

6 17. Every dormitory building had double bunks with no  
7 partitions nor were positioned to be parallel to the building  
8 wall as prescribed by the CDCR building or housing unit  
9 policy of bed space management. See Exhibit A.

10 18. M.A.C. Chairman Broussard and the Sergeant at Arms Inmate  
11 Montanez had a meeting with Warden B Cates the Defendant  
12 here and Captain for Facility E, and reported to them that  
13 none of the dormitories are in compliance with the CDCR  
14 housing unit bed policy pursuant to Exhibit A. The defendant  
15 Warden B. Cates said, "The beds as they are will be sufficient."  
16 The Captain nodded with agreement. See Exhibit C.

17 19. Pursuant to Title 15 (CCR) § 3380, The Warden is responsible  
18 for the custody... of all inmates under his or her charge."

19 The defendant Warden B. Cates having custody of Plaintiff  
20 who is dependent on Defendant Warden B. Cates for reasonable  
21 safety from all communicable disease such as Covid-19 and  
22 maintaining housing unit bed policies directed by CDCR to  
23 prevent the infection and spreading of Covid-19 in his  
24 prison.

25 20. Plaintiff had underlying health conditions such as chronic  
26 asthma; sickle cell trait, Alpha Thalassemia trait.

27 21. Covid-19 is recognized by CDC create dangerous conditions

1 particularly with people with underlying conditions such  
2 as Plaintiff to result in a high likelihood of death  
3 due to complications of contracting Covid-19.  
4 Plaintiff here now suffers the Long Haulers Effect of Covid-19  
5 such as loss of taste of smell, chronic and unrelenting  
6 headaches, coughing up blood clots, chronic fatigue and  
7 shortness of breath, along with excruciating joint pain.  
8 See Exhibit D. This condition is ongoing and unrelenting.  
9 21. This complaint serves as official notice to the  
0 Defendants that the housing conditions in Facility E  
1 have not changed. And most importantly now, Defendant  
2 Warden B. Cates is in the process of transferring Plaintiff  
3 to Facility D where a present outbreak of Covid has  
4 occurred in building two according to Counselor CC1  
5 Gonzales, on September 7th, 2021. He expressed these  
6 concerns during a court conference call in this instant  
7 case, particularly since Plaintiff had already contracted  
8 Covid-19.

CAUSE OF ACTION #1

Defendants violated Cal. Penal Code sec. 368(b) wherein Defendant having custody over Plaintiff, a dependent adult relationship exists. The practices that Warden B. Cates as Defendant here endangered the health of Plaintiff wherein Defendant permitted dangerous conditions to exist that was likely to produce great bodily injury or death.

22. Plaintiff incorporates paragraphs 1 through 21 as though they were fully stated herein.

23. At pill line during pill call at approximately 7:00 a.m., 12:00 p.m., 6:00 p.m., and 8:00 p.m. all buildings are called at the same time during the Covid-19 outbreak at Facility E. There were no separation of buildings. And furthermore, the same batch of cups were used, with inmates by their own actions would pick up water cups from the same source and press the same button to activate the water fountain allowing for cross contamination between buildings among inmates. The Warden was made aware of this by the inmate M.A.C. Chairman Broussard. See Exhibit C. The Defendant Warden B. Cates took no action despite being warned. Furthermore, the correction officers habitually would wear no masks from March 2020 until ongoing. These officers worked in buildings that Plaintiff was housed in. Because inmates normally don't leave and come back to the prison, the vector of the Covid-19 contagion is normally conveyed by custody and/or staff. Inmates are truly



1 the victim as the Plaintiff is in this case.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

CAUSE OF ACTION #2

24.  
2 Defendants violated Plaintiff's rights with wilfull and gross  
3 negligence where they intentionally subjected Plaintiff ti dangerous  
4 enviornment that ultimately caused Plaintiff injury that is ongoing  
5 As Plaintiff was subjected to a known dangerous condition where  
6 the gross negligence of defendants failed to act, where they knew  
7 or should have known that Plaintiff's pre-existing medical issues  
8 placed him at a higher rate of danger of contracting Covid-19  
9 due to the inability of CDCR/CCI to adquatly social distance  
10 inmates in their care with six feet (6 ft) of social distance  
11 See Exhibit "A", Furthermore, because the Defendant Brian Cates  
12 is the warden of this facility, and his failure to act to a known  
13 dangerous condition that causes bodily injury and imminet death  
14 constitutes violations of the United States Constitution Eitgh  
15 Amendment; and the California I, §17. " Excessive bail Shall not  
16 be required, nor excessive fines, nor cruel and unusual punishments  
17 inflicted." [Ratified Dec. 15 1791]  
25.  
18 The Defendant brian cates failed to take protective measures, by  
19 following the safety protocols in response to Covid-19, where he  
20 failed to "ENFORCE MASK WEARING , SAFETY PROTOCOLS, HE DID NOT  
21 ENFORCE POLICY FOR WEARING GLOVES AND MASK WITH ALL OFFICIALS AND  
22 STAFF EMPLOYEES HERE AT CCI." NEITHER DID HE PROVIDE HAND SANITIZER  
23 IN INMATE BATHROOMS. As this Defendant deliberately and negligently  
24 created a dangerous enviornment,  
26.  
25 As a proximate result of said Defendant who knew of the need to comply  
26 with the laws applicabte to the ownership, operation, management and  
27 and/or supervision of CCI as this Defendant further knew that -

1 non-compliance with such laws and protocols would put health and  
2 safety and the welfare of the Plaintiff unreasonably at risk of  
3 imminent death, whereas Plaintiff already has pre-existing medical  
4 concerns. Defendant B. Cates knew that his continual failure or  
5 refusal to discharge their/his fiduciary duties to Plaintiff would  
6 likely result in injury and/or death. The conduct of the alleged  
7 Defendant[s] constitutes gross negligence along with Physical  
8 abuse" and "Neglect", as those terms are defined in W& IC§ 15610.63  
9 and 15601.57, and other sections of the law, in that Defendant[s]  
10 failed to exercise the degree of the responsibility of care that a  
11 reasonable person having custody of plaintiff would exercise,  
12 27.  
13 The ongoing and continuing pattern of defendant[s] alleged above  
14 -described plan of abuse and Defendant failed to train, supervise  
15 staff, supply and equip this facility, was not to protect the welfare  
16 and circumstances of the inmates, but where to wrongfully maximize  
17 the Prison business profits. Defendant[s] actions were and continue  
18 to be reckless, intentional, malicious, fraudulent, and oppressive,  
19 and also constitutes a breach of Defendant[s] fiduciary duties.  
20  
21  
22  
23  
24  
25  
26  
27

MEMORANDUM OF POINTS AND AUTHORITIES

1  
28.

2 Here, in this Amended Complaint, Robert L. Sanford was and is  
3 diagnosed with pre-existing medical issues, Ashma, Alpha thalasemia,  
4 Anemia, where as due to teh gross negligence of Defendant[s]  
5 Brian cates the (A) Warden at CCI, where this Defendant, failed to  
6 act with CDCR protocols for Covid-19, where he was aware that  
7 Plaintiff and other inmates under his jurisdiction also suffered  
8 from pre-existing medical issues, Therefore placing them at a  
9 much higher risk of contracting Covid-19. As a result of this  
10 wardenss failure to act with following protocols issued by his  
11 own Department policy makers as outlined in the amended compalint  
12 See Exhibit "A".

13 29.

14 Plaintiff was infected at CCI-E facility with the Covid-19  
15 virus on two sepearte occassions, once being found positive for  
16 on or about July 10, and 11th when plaintiff first experienced he  
17 was unable to smell or taste, safter being forced to move during  
18 the height of the Covid outbreak here at CCI, as Plaintiff was moved  
19 from dorm Clark hall low on (CCI E-facility) to Dorm Rex Deal, this  
20 mass movement of inmates within the facility that was already  
21 contaminated was dangerous, and certainly contributed to the fact  
22 this plaintiff was injured by being infected with Covid-19, where  
23 plaintiff continues to suffer even to this day with lack of smell,  
24 taste, shortness of breath, coughing of blood clots, excrutiating  
25 headaches, and joint pain.

30.

26 The warden of this facility B. cates was fully aware of the fact  
27 CCI could not provide adequate social distancing sas required by  
The Center od Disease Control (CDC), therfore CDCR implemented its



1 own policy with placing partitions between bunks that had more  
2 than 10 beds in a room/dorm. CCI has failed to comply with this  
3 policy protocol, and continued to operate with the bed positioning  
4 as they always have, knowing this created a dangerous condition  
5 with the imminent threat of death from the Covid-19, where the  
6 Clark hall low, and Rex deal dorm housed over 100 inmates to 120  
7 inmates with less than 3ft of social distance and no partitions  
8 as implemented by policy .

9 These conditions are truly unsafe considering the imminent danger  
10 of Covid-19 and how it spreads, see United States vs. Zukerman 15  
11 Cr. 194 at 2020 U.S. Dist. Lexis 59588 (S.D. N.Y. Apr. 3, 2020).,  
12 31. Whereas, plaintiff has been intentionally subjected to massive  
13 circumstances of overcrowded conditions here at CCI, where Plaintiff  
14 was deliberately placed in an environment where mass amounts of  
15 inmates who were already exposed and infected with Covid-19, where  
16 Plaintiff had to share the same restroom, showers, dining, areas, .  
17 during the months of June til now and the same conditions continue  
18 even with the new variants of the Covid-19, as there is no protection  
19 even for the vaccinated inmates, the variant strain of Covid-19  
20 is still threatening the safety and well-being of inmates such  
21 as myself with pre-existing medical issues, and now suffering from  
22 the "Long Haulers Effect of Covid-19)" where my headaches are so  
23 frequent and painful, and can hardly do daily functions of daily  
24 living.  
25 32.

25 I was exposed to Covid-19 a second time here at CCI on or about  
26 October 2nd, 2020, it was less than 90 days that I was exposed  
27 after being positive in July 2020. See EXHIBIT (Medical Records).

1 Plaintiff Robert L. Sanford , is injured due to the deliberate, gross negligence,  
 2 , and negligence of Defendant[s] and its failure to act by not following the  
 3 Covid Protocols outlined by the Department in order to prevent the spread of  
 4 Covid-19 (by placing partitions in the dorms that had 10 beds or more, as for  
 5 this failure to act by Defendant B. Cates is the nexus that constitutes a  
 6 negligence and gross negligence, that injured Plaintiff, and now holds Defendant[  
 7 in this civil action liable for failure to act in the capacity of their duty  
 8 pursuant to CDCR protocols and executive orders of gavin Newsom Gov. Code §  
 9 8658.

10 33. Plaintiff Robert L. sanford, is placed in a unreasonable risk of danger  
 11 whereas, the Defendant B. Cates Warden (A), is aware of the risk that inmates  
 12 with pre-existing medical conditions are at a much higher rate of danger of  
 13 contracting Covid-19 and dying from the deadly virus.

14 34. Plaintiff has made numerous attempts to notify the Administartors and  
 15 Defendant cates as to the dangers that continue to exist here at CCI, with  
 16 the mass outbreaks that continue to occur at each facility here at CCI,  
 17 where the most recent outbreaks has occurred on D-facility where now this  
 18 Defendant B. cates acting Warden is adversely housing level one inmates on  
 19 a level two yard in order to move ahead of the scheduled closing of this  
 20 facility on E-yard, that has a deadline of June 2022. His hastily move of  
 21 forcing inmates into crowed dorms already on facility D, is only evident  
 22 of his deliberate mass moves that occurred in June and July of 2020, where it  
 23 resulted in Plaintiff being injured with Covid-19. Now the same senario is  
 24 happening again, as it has recently been confirmed there is now a Covid-19  
 25 out break of the Delta varient strain now on D-yard and Plaintiff is now  
 26 being forced to move from facility -E to facility -D, and B. cates has made  
 27 actual statements to the point with his own I.A.C. Chairman and Seargent of

1 Arms see Affidavits of these stated facts at Exhibit "C" and the written  
2 policy questions that are related to the fact B. Cates has failed to adhere  
3 to the policy issued by CDCR to place Partions in dorms with 10 beds or more.  
4 as his only response to this implementation by CDCR on January 2021 was"  
5 "We are no longer under Covid-19 Protocols therefore the bed positioning  
6 is a irrellevant issue" See Exhit "C" to these facts.  
7 35. Plaintiff is now being placed in another dangerous condition deliberately  
8 by this Defendant's failure to act in a capaity that will be in compliance  
9 with Covid-19 protocols, is now continuing to Place Plaintiff in another dangerous  
10 condition where the more deadly strain of Covid has already infected the inmate  
11 population, just as it did in June/July 2020 where Plaintiff now suffers from  
12 "Long Haulers Effect" See Exhibit " " , This Amended Memorandum of Points and  
13 Authorities, is now updated stating the facts as Plaintiff outlined in the first  
14 complaint but its still the same acts by the same acting warden here at CCI  
15 B.Cates who's willful deliberate acts with forcing inmates to mass move within  
16 the CCI facility, deliberately creating a unreasonably dangerous condition that  
17 is causing inmates to contract this new deadlier strain of the Covid-19  
18 virus, along with the fact he has failed to enforce mask mandates of the staff  
19 Correctional Officers here at CCI, along with the fact less than half of the  
20 correctional staff here refuse to be vaccinated, and this in fact the main  
21 contributing factor as how the vector of this varient is spread, The Defendant  
22 continues to force mass amounts of inmates to be housed in dorms from building,  
23 -to- Building, now from Yard-to-Yard, where there is no emergency to do so this  
24 as this (A) warden has until June 2022 to close this E-facility, but he insist  
25 on housing inmates adversely and placing them in a known dangerous condition;  
26 this constitutes gross negligence, and dependant adult abuse where this  
27 Defendant is aware of pre-existing medical concerns and a known dangerous enviornment.

36.

1 The facts that have ultimately injured Plaintiff twice here at CCI ar now  
2 a ongoing and deliberate act orchestrated by the (A) warden here at CCI,  
3 Where now Plaintiff has plead suffient legal authorities that clearly give rise  
4 to cruel and unusual punishment in violation of the Eighth Amendment, as  
5 Plaintiff has no other remedy to address theses deliberate actions of said  
6 Defendant[s] Collectively and individually, each of them, including Does 1-5  
7 these negligent and gross negligent acts have caused plaintiff injury and  
8 suffering, from becoming infected with Covid-19, and for the above stated facts  
9 mentioned herein this Amended Complaint and Memorandum of Points and Authorities  
10 as there is now a likely chance this Plaintiff can be infected with the strain  
11 of Covid-19 because the (A) Warden is no longer in or has never been in active  
12 compliance with Covid protocols either from CDC, or CDCR, where Plaintiff now  
13 files this civil tort action that is now Amended, invoking the absolute relevant  
14 power and authority of the California Constitution that reflects State and  
15 Federal decisional authority within this Memorandum of points and Authorities;  
16 and request this Court liberally adjudicate this pleading as justice and law  
17 demands.

13

19

20

21

22

23

24

25

26

27




REQUEST FOR RELIEF

1  
2 WHEREFORE, Robert L. Sanford, now prays for judgement as follows:

- 3 A) Injunctive Relief;  
4 B) Declaratory Relief;  
5 C) General Damages According To Proof; \$300,000.00  
6 D) For All Expenses of This Lawsuit;  
7 E) For Treble Damages Pursuant To Civil Code 3345;  
8 F) For Punitive Damages Pursuant To Civil Code 3294; \$300,000.00  
9 G) For Damages For Dependent Adult Abuse: \$300,000.00  
10 H) For Attorney Fees;  
11 I) For Pre-Judgement Interest Allowable By Law;  
12 J) For Such Other And Further Relief This Court May Deem Proper.

13 September 9th, 2021.

14  
15 By:   
16 Robert L. Sanford.

PROOF OF SERVICE

(Cal. Rules of Court, Rules 1.218.50.)

I, Robert L. Sanford, declare that I am over the age of 18 years of age and the Party Plaintiff in this Civil Tort Action Claim, at all times; I am a inmate prisoner in the California Correctional Institution, in the County of Kern, city of Tehachapi, California 93581, where the mailing occurs; and Plaintiff's address is: California Correctional Institution. P.O. Box 107 Tehachapi, CA 93581

I, further declare that I am readily familiar with the business practices for collection and processing of correspondences for mailing with the United States Postal service, this same day in the ordinary course of business,

On this, 9th day of September 2021, the Plaintiff in the above mentioned complaint caused to be served the following document[s]; Amended Complaint Civil Claim that incorporates 1-36 Cause of Action 1-2.r. Memorandum of Points and Authorities, in a civil tort action, by placing a true copy of each document; in a separate envelope addressed respectively, as follows:

OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA. Colin Chaff  
300 S. Spring Street, Suite 1702, Los Angeles, CA 90013

I, declare under the penalty of perjury under the laws of the United States Constitution and the State of California Constitution that the foregoing is true and correct to the best of my knowledge. Executed on this 22nd day, of February 2021.

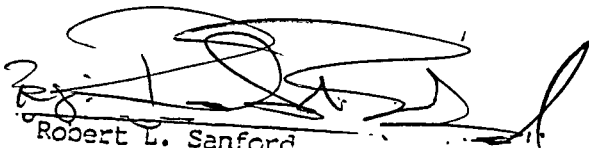
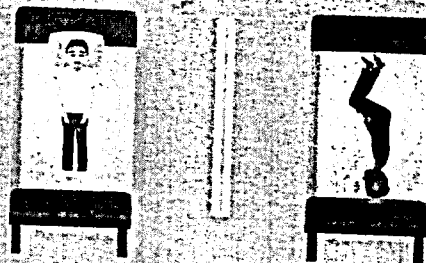
  
Robert L. Sanford

EXHIBIT "A"

## Placement When Positioning Beds 6 feet or more is NOT Possible:

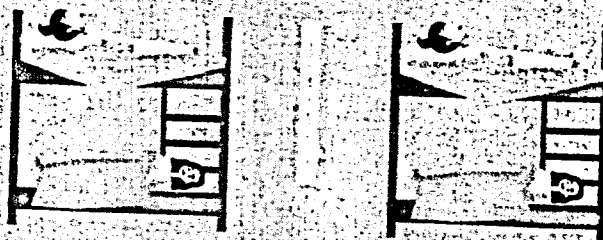
### For single beds:

- Ensure the person's laying position is head to toe.



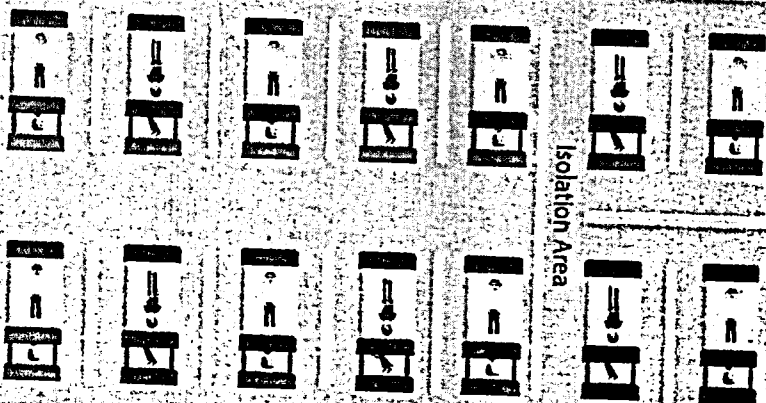
### For bunkbeds:

- Ensure the person's laying position is head to toe on **each** separate bunk bed, including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.





EXHIBIT "E"

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Virology Results

**Result Comments**

f17: SARS CoV 2 RNA (COVID19)  
 Additional information about COVID-19 can be found  
 at the Quest Diagnostics website:  
[www.QuestDiagnostics.com/Covid19](http://www.QuestDiagnostics.com/Covid19).  
 Lab test performed by:  
 Lab Mnemonic: 05D0642827  
 QUEST DIAGNOSTICS-WEST HILLS  
 8401 FALLBROOK AVENUE  
 WEST HILLS, CA 91304-3226  
 TAB TOOCHINDA

Specimen Type	Accession Number	Collected Date/Time	Ordering Provider	Received Date/Time	
Nasopharyngeal Swab	20-195-03518	7/13/2020 05:00 PDT	Kongara,Nanditha P&S	7/14/2020 22:57 PDT	
Procedure	Result	Units	Reference Range	Verified Date/Time	Verified By
SARS CoV 2 RNA (COVID19)	DETECTED @ f18		[NOT DETECTED]	7/15/2020 18:08 PDT	QUEST CONTRIBUTOR_ SYSTEM

**Result Comments**

f18: SARS CoV 2 RNA (COVID19)

A Detected result is considered a positive test result for COVID-19. This indicates that RNA from SARS-CoV-2 (formerly 2019-nCoV) was detected, and the patient is infected with the virus and presumed to be contagious. If requested by public health authority, specimen will be sent for additional testing.

Please review the "Fact Sheets" and FDA authorized labeling available for health care providers and patients using the following websites:  
<https://www.questdiagnostics.com/home/Covid-19/HCP/QuestIVD/fact-sheet.html>  
<https://www.questdiagnostics.com/home/Covid-19/Patients/QuestIVD/fact-sheet.html>

This test has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.

Due to the current public health emergency, Quest

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

CCI - California Correctional Institution  
 Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

Any Recent Changes to Medication : No  
 Compliance with the Medication/Treatment : Yes  
 Medications Taken Today : Yes  
 Medication Compliance : Medications (4) Active  
 Scheduled: (3)  
 +1-montelukast 10 mg Tab 10 mg 1 tab, Oral, qPM-KOP  
 +mometasone 100 mcg/inh Aerosol 120 puffs 100 mcg 1 puff, Oral, BID-KOP60  
 hepatitis A-B vaccine (Twinrix) 1 mL Susp-Inj syringe (0815-52) 1 mL, IM, Once  
 Continuous: (0)  
 PRN: (1)  
 +levalbuterol 45 mcg/puff Aerosol 15 gm 45 mcg 1 puff, Oral, q6hr-KOP90

Chisum, Geneva RN - 12/8/2020 11:29 PST  
 (As Of: 12/8/2020 13:08:31 PST)

Allergies (Active)

No Known Allergies

Estimated Onset Date: Unspecified ; Created By: Manglicmot,  
 Lina RN; Reaction Status: Active ; Category: Drug ;  
 Substance: No Known Allergies ; Type: Allergy ; Updated By:  
 Manglicmot, Lina RN; Reviewed Date: 12/8/2020 11:33 PST

**HEENT**

HEENT Nose Grid

Left Nostril Signs/Symptoms :	Loss of smell (Comment: POSITIVE FOR COVID 19 6/20 AND 10/2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
Right Nostril Signs/Symptoms :	Loss of smell
Comment	(Comment: POSITIVE FOR COVID 19 IN JUNE 2020 AND OCT 2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
	Chisum, Geneva RN - 12/8/2020 11:29 PST

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

**Patient Encounter Information**

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

**Subjective**

Arrival to Clinic : 10/29/2020 11:33 PDT  
 Mode of Arrival : Ambulatory  
 Appointment Type : Follow-Up

Chisum, Geneva RN - 10/29/2020 12:20 PDT

**7362 Symptom Grid**

Chisum, Geneva RN - 10/29/2020 12:20 PDT

Chief Complaint :	" I have not gotten 100% of my smell or taste back from testing possitive x2 for Covid 19".
Situation of Onset :	Started in July 2020, first time tested + for Covid 19.
Complaint Frequency :	Recurrent (Comment: Has had little to none sense of smell and taste. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )
Chief Complaint Onset :	10/28/2020 06:30 PDT
Comment	(Comment: Pt indeed tested possive for Covid 19--PT IS ANEMIC. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.



Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male

CDCR: V25176

### Assessment Forms

Immunization due  
 Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z00.00  
 Date: 11/3/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Immunization due ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: Z23

Loss of smell  
 Date: 12/8/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Loss of smell ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R43.0

Nocturia  
 Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Nocturia ; Classification: Medical ;  
 Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R35.1

### Assessment

#### FTF-Nursing Diagnosis Grid

NANDA Nursing Diagnosis :	Deficient Knowledge
Related To :	"I still can't smell anything after 2 months"
As Evidenced By :	2 positive Covid 19 results in 5 months
	Chisum, Geneva RN - 12/8/2020 13:05 PST

### Plan

Patient Presentation: : Consistent with nursing protocol powerplans

### Follow-up/Disposition

Follow-up Required : No  
 Disposition To: : Return to housing  
 Mode of Disposition Via: : Ambulatory  
 Release to Custody: Yes  
 Released Time : 12/8/2020 10:30 PST

Chisum, Ger. va RN - 12/8/2020 13:05 PST

Chisum, Geneva RN - 12/8/2020 13:05 PST

Nursing Face-to-Face / 7362 Entered On: 10/29/2020 12:40 PDT  
 Performed On: 10/29/2020 12:20 PDT by Chisum, Geneva RN

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

CCl - California Correctional Institution  
 Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

; Comments:

Loss of taste (SNOMED CT  
 :61644018 )

10/29/2020 12:36 - Chisum, Geneva RN  
 PT TESTED + X 2 SINCE JULY 2020 FOR COVID 19. PT  
 STATES ONLY S/S IS LOSS OF SMELL AND TASTE.  
 Name of Problem: Loss of taste ; Recorder: Chisum, Geneva  
 RN; Confirmation: Confirmed ; Classification: Nursing ; Code:  
 61644018 ; Contributor System: PowerChart ; Last Updated:  
 10/29/2020 12:37 PDT ; Life Cycle Date: 10/29/20 ; Life Cycle  
 Status: Active ; Vocabulary: SNOMED CT  
 ; Comments:

Mod-severe rt knee (medial)  
 Posttraumatic arthropathy  
 (SNOMED CT  
 :1231813011 )

10/29/2020 12:37 - Chisum, Geneva RN  
 PT TESTED + X2 FOR COVID 19 SINCE JULY 2020. PT  
 STATES ONLY S/S OF COVID IS LOSS OF TASTE AND  
 SMELL.  
 Name of Problem: Mod-severe rt knee (medial) Posttraumatic  
 arthropathy ; Recorder: Javate, Rosana P&S; Confirmation:  
 Confirmed ; Classification: Medical ; Code: 1231813011 ;  
 Contributor System: PowerChart ; Last Updated: 4/4/2017  
 12:09 PDT ; Life Cycle Status: Active ; Responsible Provider:  
 Javate, Rosana P&S; Vocabulary: SNOMED CT

Periodontitis (SNOMED CT  
 :69332012 )

Name of Problem: Periodontitis ; Recorder: Javate, Rosana  
 P&S; Confirmation: Confirmed ; Classification: Dental ; Code:  
 69332012 ; Contributor System: PowerChart ; Last Updated:  
 5/24/2017 09:24 PDT ; Life Cycle Status: Active ; Responsible  
 Provider: Javate, Rosana P&S; Vocabulary: SNOMED CT

Pre DM (SNOMED CT  
 :259356011 )

Name of Problem: Pre DM ; Recorder: Javate, Rosana P&S;  
 Confirmation: Confirmed ; Classification: Medical ; Code:  
 259356011 ; Contributor System: PowerChart ; Last Updated:  
 4/4/2017 12:09 PDT ; Life Cycle Status: Active ; Responsible  
 Provider: Javate, Rosana P&S; Vocabulary: SNOMED CT

Refractive error (SNOMED CT  
 :1229482013 )

Name of Problem: Refractive error ; Recorder: Javate,  
 Rosana P&S; Confirmation: Confirmed ; Classification:  
 Medical ; Code: 1229482013 ; Contributor System:  
 PowerChart ; Last Updated: 5/24/2017 09:24 PDT ; Life Cycle  
 Status: Active ; Responsible Provider: Javate, Rosana P&S;  
 Vocabulary: SNOMED CT

Diagnoses(Active)

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Therapeutic Notes

#### Group Comments

Completed COVID-19 Quarantine rounds. No unexplained, new, or worsening cough or shortness of breath reported or noted. No temperature >100F noted.

#### Individual Details For: **SANFORD, ROBERT LIONEL**

AGE: 56 Years

DOB: 11/29/1963

MRN: V25176

Diagnosis:

Participation:

Problem:

Affect:

Goal Addressed:

Behavior:

Goal Status:

Mood:

Individual Duration: 0 Minutes

Attendance: Full session attendance

Start Time: 10-Jul-2020 22:44

End Time: 10-Jul-2020 22:44

#### Individual Comments

Document Type:	Therapeutic/Intervention Note
Document Subject:	Therapeutic Intervention/Group Progress Note
Service Date/Time:	7/9/2020 10:38 PDT
Result Status:	Auth (Verified)
Perform Information:	DeLuna,Rachel LVN (7/9/2020 10:38 PDT)
Sign Information:	DeLuna,Rachel LVN (7/9/2020 10:38 PDT)
Authentication Information:	

#### Therapeutic Intervention/Group Progress Note

Therapy Name: NSG COVID-19 Quarantine Rounding

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

STATE OF CALIFORNIA  
**REFUSAL OF EXAMINATION AND/OR TREATMENT**  
 CDCR 7225 (Rev. 03/19)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 1 OF 1


REFUSAL OF EXAMINATION AND / OR TREATMENT		
PATIENT NAME (TYPE OR PRINT CLEARLY)	CDCR NUMBER	INSTITUTION
Sanford, Robert	V25176	CCT

Having been fully informed of the risks and possible consequences involved in refusal of the examination and/or treatment in the manner and time prescribed for me, I nevertheless refuse to accept such examination and/or treatment. I agree to hold the Department of Corrections and Rehabilitation, the staff of the medical department and the institution free of any responsibility for injury or complications that may result from my refusal of this examination and/or treatment, specifically:

Describe the examination and/or treatment refused as well as the risks and benefit of the intervention:

REFUSED COVID-19 SWAB

Detained 7/13/2000

V25176  
 SANFORD, ROBERT LIONEL AS/RT  
 CCI E CHU 2 000 - 000140  
  
 20-262-5778A  
 COVID19-394  
 1.00EA VCM  
 9/18/2020  
 Qual Ref

PATIENT SIGNATURE		DATE	<input checked="" type="checkbox"/> PATIENT REFUSES TO SIGN	DATE
		9/18/2020		9/18/20
NAME OF WITNESS (PRINT/TYPE)		WITNESS		
Kynette Woods, RN		NAME OF WITNESS (PRINT/TYPE)		
WITNESS SIGNATURE		DATE	WITNESS SIGNATURE	DATE
Kynette Woods, RN		9/18/2020	M. J. Sanchez, CNA	9/18/20

1. Disability Code:

TABE SCORE

☐ DPH ☐ DPV ☐ LD

☐ DPS ☐ DNH

☐ DNS ☐ DDP

☒ NOT APPLICABLE

2. Accommodation:

☒ Additional Time

☐ Equipment ☐ SLI

☐ Louder ☒ Slower

☒ Basic ☐ Transcribe

☐ Other

3. Effective Communications:

☒ P/T Asked Questions

☒ P/T Summoned Information

Please check one:

☐ Not Reached ☒ Reached

\*See chrono/notes

4. Comments:

CDCR #: V25176  
 Last Name: Sanford  
 First Name: Robert  
 DOB: 11/29/63

MI:

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state law.



**CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES****CCI - California Correctional Institution**24900 Highway 202  
Tehachapi, CA 93581-

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Sex: 11/29/1963 57 years Male  
 Encounter Date: 6/18/2020  
 Attending:

CDCR #: V25176  
 PID #: 11126329  
 Referring:

**Mental Health - Nursing**

No data exists for this section

**Mental Health Documentation**

Document Type:	MHMD Progress Note
Document Subject:	Free Text Note
Service Date/Time:	6/20/2020 16:26 PDT
Result Status:	Auth (Verified)
Perform Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Sign Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Authentication Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)

MHMD notes:

New arrival. GP LOC.

R. MOUSTAFA, MD  
 Covering Psychiatrist

**Encounter Info:** Patient Name: ROBERT SANFORD, DOB: 11/29/1963, CDCR: V25176, FIN: 10000000311126329V25176, Facility:  
 CCI, Encounter Type: Institutional Encounter

Document Type:	MHPC Consult Routine Progress Note
Document Subject:	7362
Service Date/Time:	7/17/2020 20:42 PDT
Result Status:	Auth (Verified)
Perform Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Sign Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Authentication Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)

**Inmate's Program and Level of Care**  
 GP, E YARD, CHL, LEVEL 1

**New Issues/Complaints**

IP was seen in housing unit in dayroom, per COVID-19 regulations IP is currently under isolation. IP was seen for a 7362 he submitted. IP reported having anxiety due to COVID-19. IP was since moved to isolation building. IP shared his concerns about "staying healthy." IP reported begin upset as he reported he was tested for COVID-19 3 times at previous institution and was negative. He tested positive for COVID-19 at CCI. IP

**Active Consult Orders**

MHPC Consult Routine - Completed  
 -- 07/17/20 13:00:00 PDT, 07/14/20 11:26:00  
 PDT, IP requests to see PC, 7 days, Schedule  
 once within 5 business days, 07/11/20,  
 07/21/20 23:59:00 PDT

**Subjective/History of Present Illness**

N/A

Report Request ID: 42500485

Print Date/Time: 6/7/2021 12:12 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

CCI - California Correctional Institution  
 Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

#### COVID-19 Isolation Surveillance Rounding

Patient Refused Vital Signs : No  
 Temperature Route : Temporal  
 Temperature Temporal : 36.4 DegC (Converted to: 97.5 DegF)  
 Peripheral Pulse Rate : 68 bpm  
 Respiratory Rate : 17 br/min  
 Systolic/Diastolic BP : 135 mmHg  
 Systolic/Diastolic BP : 81 mmHg  
 Mean Arterial Pressure, Cuff : 99 mmHg  
 SpO2 : 98 %  
 SpO2 Location : Right hand  
 O2 Therapy : Room air  
 Pain Present : No actual or suspected pain  
 Complications of COVID-19 : Other: decreased sense of smell

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

COVID-19 Isolation Surveillance Rounding Entered On: 10/17/2020 15:27 PDT  
 Performed On: 10/17/2020 15:25 PDT by Self, Cherie RN

#### Patient Encounter Information

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Self, Cherie RN - 10/17/2020 15:25 PDT

#### COVID-19 Isolation Surveillance Rounding

Patient Refused Vital Signs : No  
 Temperature Route : Temporal  
 Temperature Temporal : 36.5 DegC (Converted to: 97.7 DegF)  
 Peripheral Pulse Rate : 91 bpm  
 Systolic/Diastolic BP : 128 mmHg  
 Systolic/Diastolic BP : 90 mmHg  
 Mean Arterial Pressure, Cuff : 103 mmHg  
 SpO2 : 97 %  
 SpO2 Location : Right hand  
 O2 Therapy : Room air  
 Pain Present : No actual or suspected pain  
 Are previously documented symptoms worsening : No

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: SANFORD, ROBERT LIONEL  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

Are previously documented symptoms resolving : No  
Complications of COVID-19 : None

Adigheji, Omude RN - 10/19/2020 9:34 PDT

COVID-19 Isolation Surveillance Rounding Entered On: 10/18/2020 16:16 PDT  
Performed On: 10/18/2020 16:15 PDT by Kramer, Deshire RN

**Patient Encounter Information**

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, FIN:  
10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Kramer, Deshire RN - 10/18/2020 16:15 PDT

**COVID-19 Isolation Surveillance Rounding**

Patient Refused Vital Signs : No  
Temperature Route : Tympanic  
Temperature Tympanic : 36.5 DegC (Converted to: 97.7 DegF)  
Peripheral Pulse Rate : 65 bpm  
Respiratory Rate : 18 br/min  
Systolic/Diastolic BP : 143 mmHg (HI)  
Systolic/Diastolic BP : 92 mmHg (HI)  
Mean Arterial Pressure, Cuff : 109 mmHg  
SpO2 : 99 %  
SpO2 Location : Right hand  
O2 Therapy : Room air  
Pain Present : No actual or suspected pain  
Are previously documented symptoms worsening : No  
Are previously documented symptoms resolving : Yes  
Complications of COVID-19 : None

Kramer, Deshire RN - 10/18/2020 16:15 PDT

COVID-19 Isolation Surveillance Rounding Entered On: 10/18/2020 11:36 PDT  
Performed On: 10/18/2020 11:36 PDT by Shinko, Cynthia SRN

**Patient Encounter Information**

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
information intended for the recipient only.

EXHIBIT "C"



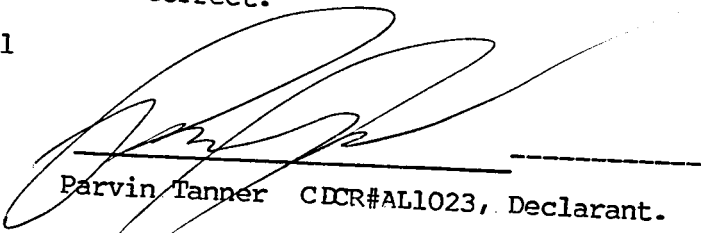
AFFIDAVIT

I, Parvin Tanner due declare under the penalty of perjury under the state of California and its Constitution and laws, and the United States Constitution and its laws, that the following statements of facts are true and correct:

- 1.) I due declare that I currently hold the position as Sergeant of Arms in the inmate Advisory Counsel here at California Correctional Institution (CCI), my CDCR # is AL1023.
2. I due declare that I am a direct eye-witness to the fact, that during a meeting with I.A.C. Chairman Richard Brouard with the Warden and facility Captain in or about January 2021, we proposed a inmate population concern to the (A) warden and Captain who were both in attendance.
3. I due declare after Chairman Brouard asked about the policy procedure issued by CDCR regarding the positioning of the beds in the dorms here at CCI, the (A) warden B. Cates stated: " We are no longer under any Covid Protocols and the beds positioning of bunks are in compliance"
4. I due declare that it was a fact during the month of January 2021, there were several reported cases of Covid-infected inmates here at CCI and I personally found it premature to say this facility is no longer following Covid-19 protocols and procedures.

As stated above I due declare under the penalty of perjury under the State of California's Constitution and its laws, and under the United States Constitution and its laws, that the foregoing is true and correct.

Date; Executed on September 9th, 2021

  
\_\_\_\_\_  
Parvin Tanner CDCR#AL1023, Declarant.

AFFIDAVIT

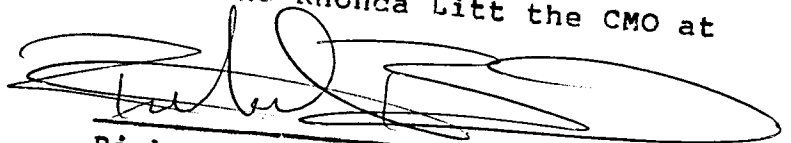
I, Richard Broussard CDCR#J98678, do declare under the penalty of perjury under the California Constitution and its laws, and United States Constitution and its laws that the following statements are true and correct.

1. I do declare that I Richard Brussard holds the position at CCI-E facility in Tehachapi, California, as the Inmate Advisory Counsel I.A.C. Chairman. E-Facility
2. I declare that as I.A.C. chairman, I am scheduled to meet with the warden and Captain Facility Administrator's, and give any and all updated policy, inmate concerns, program changes, etc. this meeting is usually scheduled once a month;
3. I do declare on or about May or June of 2020, there was a mass outbreak of Covid-19 at CCI.
4. I do declare during one of the meetings, during the mass out-break of Covid-19, I was able to ask a verbal question to the Warden and Captain of the facility, related to the positioning of the beds in the dorms on E-Facility, in accordance to CDCR policy. The only response I received verbally from the Warden (A) B. Cates "The beds are sufficient and in line with protocols and there wont be any changes to the bed positioning at all, "in the dorms".
5. I do declare that after that meeting with the Warden and facility Captain during June of 2020, That I was constantly being asked by the inmate population as to what protocols are CCI following if they are not following CDCR policy with bed positioning, so I also submitted my question in writting ... two sepearte memorandums to the facility Captain and warden.

6. I due declare I also submitted a memorandum to this policy issue regarding the bed positioning to The CEO Health Care Services CCI: Rhonda Litt, where There was no written or verbal response as to why this CDCR Covid-19 protocol was not being adhered to by The Medical Staff or the custody Administrators including the Warden B. Cates and his facility Captain and other Administrators under the direct supervision of B. Cates.

7. I due declare that, as I.A.C. Chairman followed up with this same question during a meeting with the Warden and Captain during the month of January 2021, where I was told personally by the Warden "We are no longer under Covid-19 protocol so that issue of bed positioning is not relevant".

I due declare that the facts stated herein this Affidavit are true and correct to the best of my ability, where I declare under the penalty of perjury of the laws and constitution of California, and the laws and Constitution of the United States. There is also supporting facts attached to this Affidavit showing that memorandums where submitted to the Warden, captain, and Rhonda Litt the CMO at CCI.  
Date: Executed September 9th, 2021

  
Richard Brouard, Declarant

# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581

RECEIVED  
FEB 18 2021

## MEMORANDUM

DATE: 8 FEBRUARY 2021  
TO: MRS./Ms./Miss. LITT, CEO MEDICAL  
SUBJECT: MASKS SUPPLIES VERY LIMITED

The Inmate Advisory Council (I.A.C.) Executive Body has prepared this agenda for you to view before our next Captain's Meeting.

Inmates are not receiving masks N95 on a daily basis. We are handed one, maybe two masks every three to six weeks. The Center for Disease Control (CDC) recommends the changing of masks daily. Furthermore, the used masks are identified as a bio-hazard and are being placed in regular trash cans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.



BROUSSARD, RICHARD, J98678  
I.A.C. CHAIRMAN  
CCI, FACILITY E

CC: B. Cotes, Warden CCI  
S. Jacob, Ombudsman  
D. Spector, Prison Law Office  
R. Lesina, Facility E Captain /  
I.A.C. Coordinator



# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581

---

## MEMORANDUM

DATE: 21 January 2021  
TO: R. LESINA, FACILITY E CAPTAIN, IAC COORDINATOR  
SUBJECT: CAPTAINS AGENDA

The Inmate Advisory Council (I.A.C.) EXECUTIVE Body has prepared this agenda for you to view before our next scheduled meeting.

### NEW BUSINESS:

- The P.A. System, particularly the one on top of Van Westin is not working. This could be a potential security issue. Inmates are not able to discern instructions from the tower or movement.
- CARES Act Economic Impact Payments: Why are prisoners not receiving their stimulus checks? It was reported that there were over 2300 checks received at the mailroom in November 2020. There is a multitude of inmates that have not received their checks, with only a few receiving. Please confirm when inmates will receive checks from the first stimulus amount of \$1,200? It is our understanding that restitution is not supposed to be deducted from

(2)

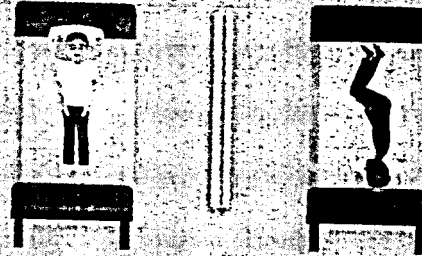
these checks, please confirm under federal due process provisions.

- Inmate Welfare Fund: Please provide the facility with the IWF budget and expenses for the fiscal year.
- SB 542: Please ask the Warden to provide the actual dollar amount assigned in the budget under SB 542 for CCI, and provide an expense report reflecting how much of the SB 542 funds were appropriated for each department or item expensed.
- Housing Units Covid-19 Safety Protocols pursuant to CDCR Sacramento Headquarters titled "Placement when Positioning Beds 6 Feet or more is NOT Possible." Clark Hall Low and Up, Rex Deal, Briggs Hall dormitory setting are not compliant with CDCR Protocols for double bunk positioning and partitions use between double bunks and single bunks, in the face of a COVID-19 Pandemic wherein CCI is experiencing a second outbreak with now 3 inmates dead Facility "C" (Charlie Yard). Please make sure all housing units in dormitory settings are in "strict compliance" with double bunk positioning and partitions separating double bunks and single bunks.

## Placement When Positioning Beds 6 feet or more is NOT Possible:

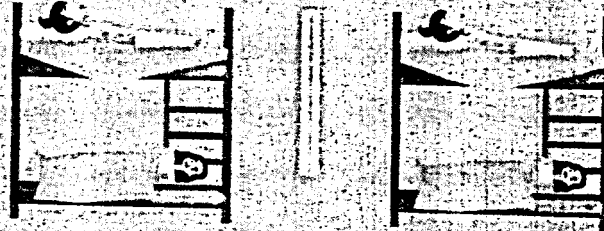
### For single beds:

- Ensure the person's laying position is head to toe.



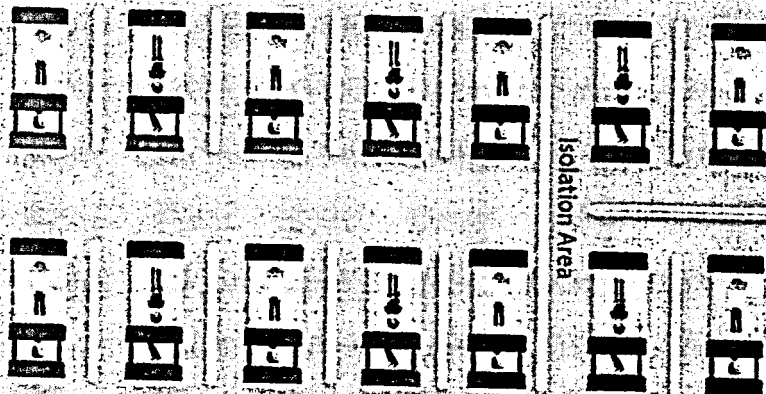
### For bunkbeds:

- Ensure the person's laying position is head to toe on **each separate bunk bed**, including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.



- Medical: Why are inmates not receiving masks KN95 masks on a daily basis? The masks that we do have do not last long. The CDC recommend the changing of masks daily. Furthermore, the used masks are identified as a bio-hazard and are being placed in regular trashcans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.
- Medical, COVID-19 Shots: Is there an ETA for when COVID-19 vaccinations will be implemented for inmates at CCI?
- COVID-19 Disinfectants: Sani-Guard is the disinfectant to kill COVID-19. However, none of the housing units use Sani-Guard. In fact, the housing units use Cell Block-64 which is an EPA registered disinfectant, but does not kill COVID-19 according to the label on the product, so the cleaning and disinfecting of common use areas in the inmate housing units are illusory, maintaining a false state of peace of mind.
- Title 15: The Spanish population is wanting a Spanish version of Title 15 distributed to all housing units.



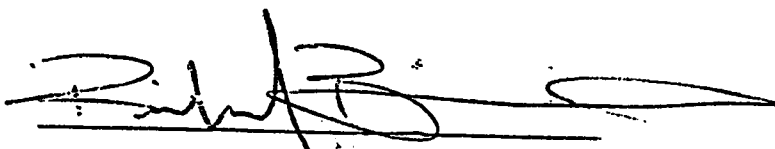
GYM: Requesting bunk beds and lockers be removed from Facility "E" Gym so it can be used by the population for its intended purpose.

- Cullinary and food safety concerns: There is an abundance of fecal matter droppings from the birds in the triangle area. The trees are serving vectors to facilitate bird gathering. The fecal matter is dropping on inmates with high frequency, and these inmate are also Kitchen workers who then hang their jackets, as an example, in the Kitchen area, or, have fecal matter on their shirts and clothing. This is a health hazard.
- We do not have an adequate amount of Form GA22 "Request for Interview" for the population because they are not available. Please make sure housing units have their ample supple of GA22 Forms. It amounts to a due process issue.
- Legal Mail letters are consistently not being sealed with tape after they are signed to maintain confidentiality. Please ensure this becomes a policy to be used in front of inmates, ensuring it is sealed, if it is not already policy.

(5)

- CANTEEN: Canteen is phasing out canned goods. The canned goods are being replaced by pouches packaging and the pricing is exorbitantly higher. For Example, Bushy Creek Breast Chicken is now \$3.50 for 4.5 ounces, while chicken in a can was \$1.15 for 5 ounces. Essentially the price of chicken has more than doubled, while the ounces have actually fallen. Pursuant to our third request to the canteen department, The MAC is requesting a meeting to discuss suggestions on item changes in canteen. (see ATTACHMENT A MEMORANDUM dated June 16, 2020)
- The I.A.C. Office would like to know the status on the typewriter we have been requesting since August 2020.

Thank you for your time and consideration in advance.



R. BROUSSARD, J98678

I.A.C. Chairman

Facility E, CCI

# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581

## MEMORANDUM

DATE: June 16, 2020  
TO: S. Sainz, Prison Canteen Manager II  
SUBJECT: Annual Canteen Product Exchange.

The Facility "E" I.A.C. Executive Body would like to formally request a meeting with you to discuss and submit our suggestions to exchange items within the canteen. The following items are listed for exchange by category and are the most popular requests made by the yard as a whole.

### -Microwave Items

- 1) Corn Dogs
- 2) Cheeseburgers

### -Food Items

- 1) 12" Flour Tortillas
- 2) Tostada Shells (Guerrero)
- 3) Chinese Style Sausage

### -Condiments

- 1) Cajun Hot Sauce
- 2) Hoisin Sauce

### -Chips

- 1) Flaming Hot Fritos
- 2) LaYs B.B.Q. Chips

### -Sodas

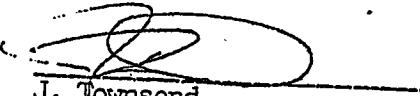
- 1) Sierra Mist
- 2) Sports Drink(s)


### -Pastries & Snacks

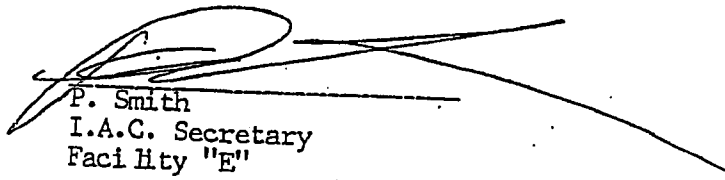
- 1) Variety of Donuts
- 2) Red Velvet Cupcakes

### -Miscellaneous

- 1) Alcohol Free Hand Sanitizer
- 2) Liquid Dish Soap
- 3) Sports Water Bottle
- 4) Loofa (Body Sponge)
- 5) Toilet Paper
- 6) Colored Pencils
- 7) Plastic Hooks
- 8) L-Shaped Coaxial Adapter
- 9) Sun Glasses
- 10) Earbuds (Skull Candy ((JIB))
- 11) Headphone Extension 6'

  
J. Townsend  
Lieutenant  
I.A.C. Coordinator  
Facility "E"

  
R. Brouard J98678  
I.A.C. Chairman  
Facility "E"

  
P. Smith  
I.A.C. Secretary  
Facility "E"

Mrs/Ms/Miss F. Hernandez

The following Staff members are  
Requested to attend:

CMO

C. Renner

C. Stephens

C. Thara

Medical  
Accounting Dept.  
Mailroom  
Canteen Manager II

Thank you in advance.



R. Broussard, J98678  
I.A.C. Chairman



Warden's First Quarter Inmate Advisory Council Meeting-Facility E

February 18, 2021, 11 a.m.

- 1) Why are inmates not receiving masks (KN95 masks) on a daily basis? The masks that we do have do not last long. The CDC recommends the changing of masks daily. Furthermore, the used masks are identified as a biohazard and are being placed in regular trash cans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.
  - Recommendation is not a mandate and the department has not issued a mandate on the number that should be issued. KN95s are distributed once a month to each yard to distribute 5 masks per inmate to be used in conjunction with PIA Cloth masks which should be laundered weekly. In the event a mask is torn or soiled, the inmates can make a request of a mask from the Sergeant or facility CO. For specific process, see attached Donning and Doffing Document.

- 2) COVID-19 Shots: Is there an ETA for when COVID-19 vaccinations will be implemented for inmates at CCI.

Response:

- Due to the shortage of vaccine in the community and nationally, all allotments received were prioritized as follows (in the appropriate order, bold/italicized indicates populations are either completed OR are current populations served):
  - **High Risk, Naïve (never infected) Populations -this refers to a combination of factors inclusive of age, chronic illnesses, etc. We prioritized COVID risk factors 3+ and greater.**
  - **All Critical Workers-any person working directing with people or in close quarters.**
  - **Naïve with COVID risk factors below 3+**
  - Resolved inmates, 90 days out
  - Resolved inmates, less than 90 days out

*\*Keeping in mind that all vaccinations are contingent upon inventory and also contains the need to prioritize and incorporate any second doses before first doses are given. It is the intent to vaccinate all inmates desiring the vaccine and will be done so according to availability of inventory and prioritization, at CCI.*

- 3) COVID-19 Disinfectant Question- Cell Block 64 is adequate and can be used against COVID. See attachment from PIA.

Submitted by: Rhonda Litt, CEO Health Care Services-CCI

EXHIBIT "D"

During the course of your visit your medication list was updated with the most current information.

**Start Taking These Medications:**

**montelukast 10 mg Tab (montelukast 10 mg)**

- For Asthma: Take 1 tab (Total Dose = 10 mg), by mouth every evening on your own
- Start Date: March 23, 2021
- Take for: 120 day(s)

*Comments: This medication does not work immediately and should not be used when quick relief is needed for acute asthma attacks.*

*Warning: This medication WILL NOT stop an asthma attack once it has started. Call your doctor immediately if you have mental/mood changes like confusion, new/worsening feelings of sadness/fear, thoughts of suicide, or unusual behavior.*

**MVI w/Minerals Tab (National) (0400-50) (Multiple Vitamins with Minerals)**

- For Head ache: Take 1 tab, by mouth once a day on your own
- Start Date: April 06, 2021
- Take for: 60 day(s)

*Comments: Take with food or milk. May discolor urine or feces.*

**naproxen 500 mg Tab (Naprosyn)**

- For Head ache: Take 1 tab (Total Dose = 500 mg), by mouth twice a day on your own as needed for headache
- Start Date: April 05, 2021
- Take for: 14 day(s)

*Comments: best taken with food*

**propranolol**

- For Head ache: Take 1 tab (Total Dose = 20 mg), by mouth twice a day on your own
- Start Date: April 07, 2021
- Take for: 60 day(s)

*Comments: May cause drowsiness. Alcohol may intensify this effect. Use care when operating dangerous machinery. It is very important that you take or use this exactly as directed. Do not skip doses or discontinue unless directed by your doctor. Some non-prescription drugs may aggravate your condition. Read all labels carefully. If a warning appears, check with your doctor before taking.*

**Continue taking these Medications:**

**levalbuterol 45 mcg/puff Aerosol 15 gm (Xopenex HFA 45 mcg/inh inhalation aerosol)**

- For Asthma: Take 1 puff (Total Dose = 45 mcg), by mouth every 6 hours on your own as needed for shortness of breath or wheezing
- Start Date: August 25, 2020
- Take for: 360 day(s)

*Comments: Request refill*

**mometasone 100 mcg/inh Aerosol 120 puffs (Asmanex HFA 100 mcg/inh inhalation aerosol)**

- For Asthma: Take 1 puff (Total Dose = 100 mcg), by mouth 2 times a day on your own
- Start Date: August 25, 2020
- Take for: 360 day(s)

*Comments: Request refill*

**Completed Medications:**

**acetaminophen-codeine 300-30 mg Tab (03701) (Tylenol with Codeine #3 (DENTAL))**

- For COVID-19, Anemia, Alpha thalassemia trait: Take 2 tab, by mouth 3 times a day from a nurse as needed for pain and fever
- Start Date: March 11, 2021
- Take for: 5 day(s)

Last Name SANFORD

First Name ROBERT  
04/5/2021 09:36:47

CDCR (Encounter Alias) V25176  
2 of 10

CCI - California Correctional Institution  
Patient: **SANFORD, ROBERT LIONEL**  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Request for Service**

**2nd/3rd Level Review**

Physician Manager : Approved

Baniga, Ulysses CP&S - 4/6/2021 12:08 PDT

RFS Order Details : Requested Services for Pulmonology:Pulmonology Evaluation

Primary Diagnosis:Head ache (R51.9)

Secondary Diagnosis:Generalized body aches (R52)

Tertiary Diagnosis:Cough with hemoptysis (R04.2)

Shortness of breath with exposure to COVID-19 virus (R06.02)

Ordering Provider:Nanditha Kongara

Requested Start Date and Time:04/05/21 0:01:00 PDT

Priority:Medium Priority (15-45 days)

Reason For Request:hx covid , sob post covid , xr wnl, c/o hemoptysis qam. needs evaluation, no wt loss or night sweats

Requested End Date/Time:05/20/21 23:59:00 PDT

Shinko, Cynthia SRN - 4/6/2021 9:55 PDT

**Problem\_List**

Problem List Reviewed : Yes

Problem : Adjustment disorder with mixed disturbance of emotions and conduct: Intended DSM V Dx of Adjustment Disorder with mixed emotions and conduct. 309.3

Alpha thalassemia trait

AR (allergic rhinitis)

Breast pain in male

Loss of smell: PT TESTED + X 2 SINCE JULY 2020 FOR COVID 19. PT STATES ONLY S/S IS LOSS OF SMELL AND TASTE.

Loss of taste: PT TESTED + X2 FOR COXID 19 SINCE JULY 2020. PT STATES ONLY S/S OF COVID IS LOSS OF TASTE AND SMELL.

Mod-severe rt knee (medial) Posttraumatic arthropathy

Periodontitis

Pre DM

Refractive error

Baniga, Ulysses CP&S - 4/6/2021 12:08 PDT

**Offsite/Consultant Note**

Include Note for Offsite/Consultation Provider : Yes

Thank you for providing care to our patient. : In the interest of patient continuity, could you please provide preliminary instructions for future care while your final consultation/report is being generated?

Any Medication Changes : X

X

xx

Requested Diagnostic Imaging and/or Lab Testing :

X

X

xx

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.



Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

Alpha thalassemia trait	Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Alpha thalassemia trait ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: D56.3
Anemia	Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Anemia ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: D64.9
COVID-19	Date: 3/8/2021 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: COVID-19 ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: U07.1
Encounter for screening laboratory testing for COVID-19 virus	Date: 10/19/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Encounter for screening laboratory testing for COVID-19 virus ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z11.59
Generalized body aches	Date: 2/16/2021 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Generalized body aches ; Classification: Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: R52
Health care maintenance	Date: 8/27/2020 ; Diagnosis Type: Working ; Confirmation: Confirmed ; Clinical Dx: Health care maintenance ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z00.00
Immunization due	Date: 11/3/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Immunization due ; Classification: Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z23
Loss of smell	Date: 12/8/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Loss of smell ; Classification: Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: R43.0
Nocturia	Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation: Confirmed ; Clinical Dx: Nocturia ; Classification: Medical ; Clinical Service: Non-Specified ; Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: R35.1

#### Assessment

##### FTF-Nursing Diagnosis Grid

NANDA Nursing Diagnosis :	Acute pain
---------------------------	------------

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

4-7

DOCKETING  
RECEIVING

2021 SEP 13 PM 12:11

ATTORNEY GENERAL  
LOS ANGELES

NS

RECEIVED

2021 SEP 13 AM 10:39

ATTORNEY GENERAL  
LOS ANGELES

Robert L. Sant-Vand  
V-2576 BH-206  
California Correctional Institution  
P.O. Box 167  
Tehachapi, CA 93581



U.S. POSTAGE >> PITNEY



ZIP 93561 \$ 002  
02 1W  
0001384585 SEP 1

Office of Attorney General  
ATTN: COLIN A. SHAFF, Deputy Attorney General  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013



This envelope is sent as Unclassified,  
Privileged, and Confidential mail. If the  
contents do not pertain to the addressee  
or is not of a privileged or confidential  
nature, please return to:  
California Correctional Institution  
P.O. Box 1031  
Tehachapi, CA 93561  
ATT: Mailroom Sergeant

9-9-21 c/o MHA  
Jas



# EXHIBIT C

Robert L. Sanford  
V-25176  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327  
In Reopria Persona,

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

Robert L. Sanford  
Plaintiff,

vs.

Case No. PCV-21- 100477

AMENDED COMPLAINT

1. NEGLIGENCE
2. INTENTIONAL TORT
3. DEPENDENT ADULT ABUSE
4. GROSS NEGLIGENCE
5. UNLIMITED CIVIL ACTION

GAVIN NEWSOM, ET AL.,

TRIAL BY JURY DEMANDED

COMPLAINT FOR MONEY DAMAGES AND INJUNCTION RELIEF

I. JURISDICTION

1. Plaintiff now brings this lawsuit pursuant to Cal. Const. Art. III, §§ 10, 11; and art. I, § 16, sec. 295

II. VENUE

2. Section 395, County in which the defendants reside. All defendants are responsible for the injuries sustained in the County of Kern at the California Correctional Institution, where Plaintiff now and then resided.

III. PARTIES

3. Plaintiff Robert L. Sanford, was at all times relevant to this action a prisoner incarcerated at the California Correctional Institution located in Kern County.  
4. Defendant Gavin Newsom was at all times relevant to this action the Governor of the State of California and was acting under the color of state and federal

law. He is responsible by constitution, statute, and by his own executive order to ensure the safety and wellbeing of incarcerated inmates including but not limited to Plaintiff here. He is sued in his personal capacity for damages, and in his professional capacity for injunctive relief.

5. Defendant: Warden, Brian Cates was at all times relevant to this action acting under the color of state and federal law. He is the custodian, having custody over Plaintiff who is a dependent adult, whereas, Plaintiff is dependent upon defendant Warden B. Cates for reasonable safety from communicable diseases such as the Covid-19 virus, and to provide protection from infection and spreading within Plaintiff's housing unit and prison facility, by complying with and implementing housing policies directed by the California Department of Corrections and Rehabilitation. Defendant B. Cates is sued in his professional capacity for injunctive relief and in his personal capacity for damages and equitable relief.

Defendant: C. Schuyler, the Associate Warden at CCI, was at all times relevant to this action acting under the color of state and federal law. He is the Associate Warden who is also responsible for the custodian, and having custody over Plaintiff who is a dependent adult, where plaintiff is dependent upon C. Schuyler for reasonable safety from communicable diseases such as Covid-19 along with protecting Plaintiff from infection and spreading this disease within Plaintiff's housing unit and prison facility by complying with and implementing housing policies directed by the California Department of Corrections and Rehabilitation. Defendant C. Schuyler is sued in his professional capacity for injunctive relief and in his personal capacity for damages and equitable relief.

#### IV. EXHAUSTION OF REMEDIES

6. Plaintiff exhausted all administrative grievances.
7. Plaintiff exhausted Governmental Claims form application timely.

8.

#### V. FACTUAL ALLEGATIONS

1 On or about March 2020, Defendant Gavin Newsom issued an executive order  
2 mandating citizens in California to stay at home and practice social distancing  
3 of SIX FEET APART, while wearing face masks and washing hands to mitigate the  
4 infection and spreading of the deadly virus Covid-19.  
5 9. Plaintiff was transferred from Sierra Conservation Center to California  
6 Correctional Institution on June 19, 2020.  
7 10. Plaintiff was initially placed in a so called isolation dorm Van Westen  
8 Upper at California Correctional Institution, hereinafter CCI, on June 20, 2020,  
9 a mass outbreak of Covid-19 began to occur, and inmates in all dorms at CCI  
10 were being infected including Van Westen upper, at this time there was a Center  
11 for Disease Control, hereinafter CDC order that stated inmates in detention  
12 centers were not supposed to be moved in large groups,, and a mandated 14 day  
13 quarantine was put in place when new arrival inmates were introduced to new  
14 facilities to be housed.  
15 11. However, this 14 day quarantine was not the case with Plaintiff, where ,  
16 I was told by the third watch officer that I had to move to Clark Hall Low,  
17 this was on or about June 28, 2020, well short of the 14 day required quarantine,  
18 before I was forced to mix with the infected population, where this Plaintiff  
19 voiced his concern to the third Watch Correctional officer, who told him that  
20 he was only following orders from the warden Brian Cates, and if I had any  
21 complaints, [I] would have to address my concerns to the warden, about being  
22 moved, the correctional officers name I believe is Massterfer or something to  
23 that sounding degree, at this time I can only refer to him as ~~ref~~ *BOJ*.  
24 12. B. Cates deliberately ordered Plaintiff, to be housed in a known dangerous  
25 condition at CCI- E- facility, where he was absolutely aware of the Covid-19  
26 outbreak that was occurring on his yard, that was infecting inmates by the  
27 hundreds, and he was still ordering inmates to be mass moved around to be mixed  
28 in with inmates that refused to test and were already infected, in dorms that

1 were severely overcrowded, poor ventilation, not being properly sanitized in  
2 accordance to CDC, or CDCR cleaning and disinfectant protocols, along with the  
3 fact this warden refused to act with the CDCR policy of installing "Partitions"  
4 between the bunk beds in rooms (dorms) with 10 beds or more, knowing this will  
5 possibly prevent the spread of Covid-19, for this warden was without excuse  
6 regarding the known dangers of Covid19 at CCI, where his Sergeants.

7 13. Would come to each building on CCI to assess the status of each building  
8 correctional officer assigned to each building as to their compliance with  
9 Covid-19 safety protocols. These Sergeants were also authorized by warden Cates  
10 to tour the facility inspecting pill call practices, as well as custody practices  
11 regarding chow feeding of inmates, Sergeants during second watch which included  
12 the hours of 6:00 a.m. to 2:00 p.m. was aware of all custody practices and the  
13 failures of custody to implement covid 19 safety protocols in order to prevent  
14 the infection and spreading across the facility where Plaintiff was housed.

15 14. The chain of command follows as such the Sergeants that are daily inspectors  
16 are to report to the facility Captain, of the facts and conditions of each  
17 dorm dormitory housing unit, and what was not in compliance with the Covid-19  
18 protocols including but not limited to the policies of CDC and CDCR where  
19 "Partitions" and bed positioning of beds with 10 beds or more See Exhibit "A"

20 15. During the Wardens meetings The Captain has to report and notify the  
21 warden B. Cates, in what condition and status the dorms are during this mass  
22 outbreak of Covid-19, where its no doubt that B. Cates was notified to the over  
23 crowded conditions, the facts C70's were not wearing masks, the cleaning policy  
24 was not being adhered to with moving mass amounts of inmates from dorm to dorm.

25 16. On or about July 5, 2020, while housed in Clark Hall Low Dorm that was so  
26 overcrowded we were like sardines in a can. Plaintiff encountered the Associate  
27 Warden C. Schuyler was walking through the unit at Clark Hall Low with another  
28 Person I can only identify as [Jane DOE] on this day, but Plaintiff did approach



1 the associate warden C. Scuyler on this day in Clark low dayroom, where [I]  
 2 specifiaccly asked him, " Why you and this warden allowing this ultra hazardous  
 3 unsafe condition to go on placing inmates here at CCI in a known dangerous  
 4 condition, along with the fact this dorm is severely overcrowded to the point  
 5 inmates and dependent adults as such myself, cannot enen move in here without  
 6 touching in any direction, and there are no partitions between the bunks, there  
 7 in poor ventilation, no disenfectant, no soap dispensers, no training of how to  
 8 clean according to CDCR and CDC protocols; where at this time the C/O for Clark  
 9 Hall/low tried to interfere the conversation ~~of~~ Edmonds (CHL Officer JULY  
 10 however, the warden Schuler ., replied, " Me, and the warden are working on this  
 11 sit:uation, there should be something done the next week or so" at this time  
 12 the C/O escorted Schuyler to other parts of the dorm, and warned me to stop asking  
 13 questions about the well-being and safety of my life, or I would be shown his  
 14 type of discipline in the dorm. ."  
 15 17. On July 10, 2020 all the inmates in Clark Hall low were moved into Rex Deal  
 16 Dorm that evening between 2:00 p.m and 4:00 p.m count, we were all told we had  
 17 to immediately pack all our belongings and move to Rex Deal, where they had  
 18 just moved over a Hundred inmates earlier ~~from~~ this dorm to Davis Hall Dorm,  
 19 this occurred between 11: a.m and 2:00 p.m. July 10, 2020, there was no Covid  
 20 19 sanitation or disinfecting of the dorm before forcing Clark Hall inmates to  
 21 move in-to REX DEAL Dorm, with filth, and debre scattered every where, soiled  
 22 towels and bankets, sheets still in assigned bed areas, that now Clark Hall  
 23 inmates were assigned to, mattresses not sanitized, where they just moved a  
 24 mass amount of inmates to one dorm to another, as a result of this arbitrary and  
 25 peliberate act of B. Cates and C. Schuyler, plaintiff, was infected with the  
 26 Covid-19 virus. where he was unable to smell or taste, he immediately notified  
 27 nurses Jane Doe 1. and Jane Doe 2, regarding the symptoms, she performed a test  
 28 for Covid in Rex deal day room on July 11, and on July 12, 2020, I was confirmed

1 positive for having contracted Covid-19 in this known dangerous condition that  
 2 Warden B. Cates and C. Schuyler failed to act in order to prevent, that amounts  
 3 to cruel and unusual punishment, where they were fully aware of the unsafe  
 4 and hazardous condition of a un-sanitized dorm along with the mass movement of  
 5 inmates within the facility was a definite recipe for imminent harm of inmates  
 6 contracting Covid-19. *See exhibit "B"*

7 18. Plaintiff was again injured with being re-infected with Covid-19 whereas,  
 8 inmates, that were now housed in Clark Hall Upper, were sleeping on the so  
 9 called Covid Bed, where Plaintiff was assigned to Clark Hall Upper bed (14)  
 10 a bed that was suppose to remain empty for this alleged 8 man cohort in CHU,  
 11 Plaintiff, again was infected under the overcrowded conditions and unsanitary,  
 12 poor ventilation, asbestos, mold, and other hazardous issues of violations that  
 13 involved bed positioning along with "partitions" that never were implemented  
 14 by the warden B. Cates, who was absolutely aware of this condition and the  
 15 fact he ~~was~~ aware his actions were causing the spreading of Covid-19 at the  
 16 B-Facility that continued to create a hazardous work environment for Plaintiff,  
 17 who also worked as a ADA Worker for CCI, where I had to go into the known  
 18 unsafe environment of the Dorms at CCI to help disabled inmates with paper  
 19 work, in these exceptionally crowded dorms and unsanitized environments with  
 20 poor ventilation, as a result of this situation Plaintiff was found to be  
 21 positive again for Covid 19 on or about October 2, 2020, Plaintiff brought this  
 22 matter, to the attention of his supervisor at CCI, who was the cage Officer,  
 23 on CCI who I reported in the mornings, at CCI Administration building C/O  
 24 Bliss, who also toured daily the unsafe dorm conditions, that Plaintiff was  
 25 forced to work in order to be in compliance with his work performance and  
 26 work incentive program status, in order to receive earned credit and work in-  
 27 centive benefits etc. "the warden refuses to do patch work due to early closing of prison"  
 28 19. After being infected the second time Plaintiff is still unable to smell

1 or taste, coughing up blood, body aches, joint pain, shortness of breath,  
 2 and his health is greatly depreciating due to the effects of the infections  
 3 of Covid-19 at CCI where they were aware of the known hazardous conditions,  
 4 that continue to spread and outbreak at this facility, where the warden B.  
 5 Cates and associate Warden C. Schuyler who is a direct eyewitness to the  
 6 dangerous condition as outlined above.

7 20. The Inmate Advisory Council hereinafter IAC, Chairman Richard Broussard  
 8 who is a direct eyewitness to the fact that in a Wardens meeting that is held  
 9 once a month with the Warden and facility Captain, in order to be updated  
 10 about inmate concerns regarding the facility and policies, this meeting also  
 11 was attended by a IAC member Sergeant of Arms Parvin Tanner who is another  
 12 direct eyewitness to the account of B. Cates, admitting in a Wardens meeting,  
 13 that he was not complying with the Bed Positioning policy of CDCR, because  
 14 he felt it was not necessary, although he had multiple outbreaks and spreading  
 15 of Covid-19 on June 20, 2020, that injured Plaintiff, and again in October  
 16 2020, where he continued to act with reckless disregard for the safety and  
 17 Wellfare of dependent adults in his custodial care, that ultimately injured  
 18 plaintiff to the point his quality of life has greatly diminished, from the  
 19 affects of the Covid-19 now called "Long Hauler effect", B. Cates was aware  
 20 of the CDC protocols regarding the movement[s] of inmates within his facility  
 21 that placed them at an unreasonable risk of harm and danger. S

22 21. Richard Brussard and Parvin Tanner, Both wrote sworn affidavits, that  
 23 give direct and absolute eyewitness to the account that B. Cates was aware  
 24 of the known danger that existed and failed to act, therefore, allowing plaintiff  
 25 to be subjected to a known dangerous condition that infected him with Covid-19  
 26 not once but twice. See Affidavits at Exhibit "C", also 602 et "D"

27 22. Plaintiff then filed another 602 in 2021, August, regarding the  
 28 dangerous work conditions at CCI that led to plaintiff being infected with

1 moreover with R. Cates failing to act to this known dangerous condition that  
 2 amounts to a known danger where it puts great weight on the subsequent facts  
 3 noting " it is obduracy and wantonness, not inadvertance or error in good faith  
 4 that characterize the conduct by the Cruel and Unusual punishments Clause.  
 5 Whether that Conduct occurs in connection with establishing conditions of con-  
 6 finement, supplying medical needs, or equipment such as partitions that could  
 7 have helped prevent the spreading of Covid-19 at east facility CCI, where its  
 8 the circumstances of this known dangerous condition have been ongoing and  
 9 causing the spreading of this deadly disease that has killed hundreds if not  
 10 thousands of inmates since March 2020, and R. Cates ordered movements within  
 11 CCI-E Facility, of mass amounts of inmates during out breaks of this virus  
 12 to be mixed in with other inmates, ultimately contributing to the spreading of  
 13 of this deadly Covid-19, he also contributed to the cause of spreading this virus  
 14 by ordering plaintiff to move into a known unsafe dorm on July 10, 2020,  
 15 Rex-Deal, that was not pre-cleaned or sanitized according to Covid-19 safety  
 16 protocols outlined in CDC Guidelines for Detention Centers and Prisons  
 17 where they warned that movements would contribute to the spreading, including  
 18 failing to Clean and disinfect, (4), Cates, failed to adhere to any of the  
 19 Safety protocols that resulted in plaintiff now suffering injury of contracting  
 20 Covid19, where he still can't smell, taste, headaches, joint pain, coughing of  
 21 blood, shortness of breath, now being diagnosed with "Long Haulers Effect" where  
 22 plaintiff's suffering is on going the next, week, the next month or year.  
 23 R. Cates, and C. Schuyler the associate warden at CCI, who personally at CCI  
 24 informed plaintiff he was at Clark hall low on July 5, 2020, on behalf of Cates  
 25 in order to inspect the conditions of the known dangerous dorms that were putting  
 26 inmates at an unreasonable risk of harm and danger, in order to try and stop the  
 27 spread of Covid-19 within CCI-East facility, admitting him and Cates where

1 Covid-19, where there was no reason for B. Cates not to follow the guidelines  
 2 of CDC, and CDCR regarding Red Positioning and Partitions, Covid-19 cleaning  
 3 procedures, and training, along with ensuring his officer's followed masks  
 4 protocols, for its a fact that the officers are the main vectors who bring and  
 5 introduce this Covid-19 and its variants into the facility, whereas, inmates  
 6 are not allowed to leave and come back after being exposed to these viruses  
 7 and their variants that are constantly being spread within the facilities.

8 25 The fact that B. Cates was absolutely aware and had knowledge of the risk  
 9 that was occurring on his yard as warden now hold him responsible for failing  
 10 to act to a known dangerous condition that placed Plaintiff in a unreasonable  
 11 risk of harm and imminent death, that has ultimately injured plaintiff where  
 12 now his quality of life has been greatly diminished due to the infections of  
 13 Covid-19, this amended complaint now shows clear and precise detail as to how  
 14 the Warden B. Cates at CCI, along with his associate Warden C. Schuyler who,  
 15 [IT] Robert L. Sanford CDCR V-25176 a Dependent adult under the custodial care  
 16 of B. Cates, and C. Schuyler and Kathleen Allison the Secretary of CDCR and,  
 17 Defendant Gavin Newsom, who is the Governor of California, and the chief  
 18 Executive Officer of the Executive Branch of California's government who is  
 19 in charge of the CDCR who is also an entity under the executive branch of  
 20 Government, therefore holding the said and named parties herein this civil  
 21 tort complaint to stand trial before a jury regarding the cruel and unusual  
 22 punishment plaintiff has been forced to endure, because defendants failed to  
 23 act to a known dangerous condition.

24 26. Plaintiff now swears under the penalty of perjury that the foregoing facts  
 25 stated herein are true and correct pursuant to the United States Constitution  
 26 and its laws, and the California Republic Constitution and its laws. but most  
 27 importantly too the "osv" High God in heaven and His laws.



## CAUSE OF ACTION /

1  
2 27. Defendants violated United States Constitution, under the Eighth Amendment  
3 and the Fourteenth Amendment, and Cal. Constitution Article. VI, §§ 10, 11;  
4 and Art. I, § 16, 17, sec 395

5 28. Whereas, Defendants in this Amended Complaint have acted with gross negligence  
6 where they intentionally subjected Plaintiff to a known dangerous environment  
7 that ultimately caused Plaintiff injury that is ongoing.

8 29. Plaintiff was subjected to a known dangerous condition that defendants were  
9 clearly and absolutely aware of, where due to their gross negligence with failing  
10 to act, where they knew or should have known that plaintiff's pre-existing  
11 medical issues where these known dangerous conditions placed him at an un-  
12 reasonable risk of imminent harm and danger with contracting Covid-19 due to  
13 the inability of CDCR/CCI to adequately social distance inmates in their  
14 care with six feet (6ft) of social distance, See Exhibit : "A" "B", "C" "D"

15 30. Furthermore, because Brian Cates is the warden of this facility, and his  
16 failure to act to a known dangerous condition that caused bodily injury and  
17 possible imminent death constitutes a violation of the United States Constitution  
18 Eighth Amendment; and Fourteenth Amendment, and the Cal. Const. Art. I, § 17  
19 " Excessive bail shall not be required, nor excessive fines, nor cruel and un-  
20 usual punishments inflicted." Ratified Dec. 15, 1791.

21 Defendant B. Cates failed to take protective measures, by failing to adhere to  
22 following Safety protocols in response to Covid-19, where he failed to "enforce  
23 mask wearing with staff, He did not enforce safety protocols with wearing gloves  
24 with the officials and staff at CCI; neither did he provide hand sanitizer in the  
25 inmates bathroom at CCI -East Facility, including the fact he refused to comply  
26 with the CDC Guidelines, and CDCR own policy with "Red Positioning " and  
27 "partitions" between bunks where social distancing is not possible, *defendants are*

1 aware of the known dangerous conditions that continued to exist at this facility  
2 that was infecting inmates with Covid-19 at an alarming rate.

3 1. For the fact plaintiff personally noticed C. Schuyler to the known dangers, that  
4 obviously existed in the dorm, that put Plaintiff and other inmates at an un-  
5 reasonable risk of danger and imminent death, due to the severely overcrowded  
6 dorms, that they continued and deliberately mixed in with each other, knowing  
7 this was a known contributing factor that was causing the spreading of the Covid  
8 19 out breaks, including the fact they were now creating the known dangerous  
9 condition, that resulted in injuring Plaintiff on July 10, 2020, with mass  
10 movement, mixing inmates, and un-cleaned or sanitized dorms in accordance to  
11 Covid-19 protocols, and Safety Policies, issued by , CDC, CDCR, the Three Panel  
12 Judges, (case management hearings) addressing the issues of Covid-19 at institutions  
13 under CDCR jurisdiction. See: Declaration attached Robert L. Sanford.

14 2. This cause of action demonstrates the gross negligence and willful deliberate  
15 acts of defendants Cates and Schuyler, with failing to act to a known dangerous  
16 condition, that resulted in injury to plaintiff that resulted in pain and suffering  
17 the next, week, the next month or year.

18 3. The Second time plaintiff was injured with contracting Covid-19 was on or  
19 about July, October, 2, 2020, due to un-safe work conditions as outlined in facts  
20 where Plaintiff gave notice to his supervisor C/O Bliss during the months of  
21 August and September 2020, where his reply to my concern on multiple occasions  
22 was " The warden is aware of the conditions of the dorms not having safety  
23 protocols put in place such as bed positioning and partitions and said, he's not  
24 spending dollars on this at this facility, because he is planning on closing this  
25 facility ahead of schedule that is June 2022" This certainly demonstrates that  
26 B. Cates placed other matters above, his fiduciary duty to protect and adhere  
27 to safety protocols that could protect Plaintiff from known dangerous condition.

CAUSE OF ACTION #TWO

34

Defendants violated Cal. Penal Code. Sec. 368(b) wherein, Defendant[s] having custody over Plaintiff, a dependent adult relationship exist. The practices that warden B. Cates as Defendant here endangered the health and safety of Plaintiff wherein, he permitted a known dangerous condition to exist that was likely to produce great bodily injury or death.

Plaintiff now incorporates paragraphs 1 through 26 as though they were fully stated herein.

35

Dependent Adult abuse, relates in statutes and other legal context, where this phrase ordinarily conveys a requirement for actual or constructive knowledge. Generally constructive knowledge means knowledge that one using reasonable care or diligence should have, and therefore is attributed by law to a given person, and encompasses a variety of mental states, ranging from one who is deliberately indifferent in the face of an unjustifiably high risk of harm... or who should know of a dangerous condition, was obvious and because Cates admission he was aware of the known dangerous condition that existed at CCI-E facility, where the existence of constructive knowledge to a known dangerous condition existed and resulted in injuring Plaintiff who is a dependent adult pursuant to Welfare & Institutions Code §15610.30 (b) where Cates knew or should have known that plaintiff was at an unreasonable risk of harm and danger, his improper conduct with failing to act to the known dangerous condition constitutes gross negligence, when he informed The IAC Chairman R. Broussard this facility was no longer under Covid protocol and the Bed positioning was adequate where he was not going to comply with CDCR policy, or CDC, and the Three Panel Judges recommendations regarding the preventive measures in order to prevent the spreading of Covid within the CCI-E-facility.

1 36 Furthermore at pill line at approx 7:00a.m. to 12:00p.m., 6:00p.m and 8:00p.m.  
2 all buildings are called at the same time during Covid-19 Outbreak at CCI  
3 E-Facility. There is no separation of buildings, and the same batch of cups  
4 were used, with inmates by their own actions would pick up water cups from  
5 the same source and press the same button to activate the water fountain  
6 allowing for cross contamination between buildings amongst inmates. The Warden  
7 was made aware of this known danger as well by the IAC Chairman Broussard.  
8 see Exhibit "B" The Defendant took no action despite being warned. Further-  
9 more, the correctional officers would habitually not wear their masks from  
10 March 2020 until ongoing. These officers worked in buildings that Plaintiff  
11 was housed in. Because inmates don't normally leave and come back to prison,  
12 the vector of Covid-19 contagion is normally conveyed and/or staff. Inmates  
13 are truly the victim as the plaintiff is in this case. Paslay v. State Farm  
14 General Ins,Co, 248 Cal. App. 639.  
15 Please see also, attached Declaration of Robert L. Sanford.

16

17

18

19

20

21

22

23

24

25

26

27

## MEMORANDUM OF POINTS AND AUTHORITIES

1  
2 <sup>37</sup> Here in this amended complaint Robert L. Sanford was and is diagnosed  
3 with pre-existing medical issues, Ashma, alpha thalasemia, anemia, where  
4 as due to the gross negligence of Defendant[s] Brian Cates(A) warden at CCI,  
5 and C. Schuyler associate warden at CCI, where defendants failed to act to  
6 a known dangerous condition, where they refused to enact CDCR and CDC protocol  
7 for Covid-19, that would have help prevent the Covid-19 outbreaks, and spread-  
8 of this known deadly virus that was infecting inmates at CCI, and resulted  
9 in injuring Plaintiff, with contracting this COvid Virus, where, he is not  
10 able to smell or taste, where defendant[s] herein were aware of the high  
11 risk dangers, regarding inmates with pre-existing medical conditions, plaint-  
12 iff is now suffering from "Long Haulers Effect" constant headaches, coughing  
13 of blood, joint pain.

14 <sup>38</sup> Plaintiff was infected at CCI-E- facility with Covid-19 virus on two sepearate  
15 occassions, once being found positive for on July 10, and 11th, when plain-  
16 tiff first realized he was having symptoms on or about July 11, 2020, when  
17 he was unable to smell or taste, after being forced to move into a known  
18 dangerous condition of a un-cleaned or sanitized dorm (Rex Deal), during  
19 the height of the outbreak on CCI-E-Facility, see Declaration now attached  
20 CCI Warden B. Cates was certainly aware that cross contaminated areas, could  
21 contribute to the spread of Covid-19, especially if the CDC Guidelines for  
22 Detention Centers and Prisons, (4) non-disinfection, and sanitization, and  
23 mass movement of inmates from dorm to dorm would increase the danger of spread  
24 ing this deadly disease, whereas, Cates ordered this move to known dangerous  
25 condition that placed plaintiff in a unreasonable risk of harm and danger.  
26 where plaintiff now suffers, from a diminishing quality of life with not  
27 being able to smell, taste, headaches, joint pain, the next, week, the next



1 month and year.

2 34. The Warden at this facility was well aware and was on notice to the known  
3 dangerous condition, knowing full well there was no possible way to provide  
4 adequate social distancing at CCI-E- facility during the months of March  
5 2020, through the month of June 2021. Defendant Cates, was aware the policies  
6 that were not being adhered, to by him due to his wanting to close the CCI-  
7 E facility ahead of the June 2022 schedule, whereas, he deliberately ignored  
8 the Covid-19 protocols that help prevent the spreading because it required  
9 spending of funds, that implemented him to comply with the "bed positioning"  
10 and "partitions" due to the fact there was no possible way to create 6ft  
11 oof social distancing at E- Facility.

12 45. These conditions are truly unsafe considering the imminent danger of Covid-  
13 19 and how it spreads, see United States vs. Zukerman 16 Cr. 194 at 2020 U.S.  
14 Dist., Lexis 59588 (S.D. N.Y. Apr. 2020).

15 Whereas, Plaintiff has been intentionally subjected to massive circumstances  
16 of overcrowded conditions at CCI, where mass amounts of inmates were already  
17 exposed and infected with Covid -19, where Plaintiff had to share the same  
18 bathroom, showers, dining areas, sinks , as there is no protection even with  
19 the variants of the Covid-19, that is a known danger to inmates with pre-  
20 existing medical conditions and issues, where Plaintiff now is suffering  
21 from injury with contracting this deadly virus two times, at [ ] due the  
22 the same dangerous conditions that CCI-E facility warden B. Cates refused  
23 to act and correct in accordance to CDC Guidelines, and CDCR policies, that  
24 were issued in compliance with the Three Panel Judge Case management Conf-  
25 erence Case No. 4:01-CV-01351-JST, due to Cates failing to act to a known  
26 dangerous condition that put Plaintiff at an unreasonable risk of harm and  
27 danger, he is now suffering , the next, week, the next month or year.

1 With B. Cates failing to act to known dangerous conditions that were allowed  
 2 to continue up until the closing of E-Yard in September 2021.  
 3 Whereas, Plaintiff was infected the second time at CCI-E, due to the un-safe  
 4 work conditions that continued to exist at Plaintiffs assigned work areas,  
 5 that put plaintiff in danger, where [1] followed the chain of command, and told  
 6 my immediate supervisor for American Disability Assistants (ADA Workers)  
 7 where we assist disabled inmates with daily task that they cannot do on their  
 8 own, this required us ADA workers to enter these known dangerous conditions  
 9 in the CCI-E facility dorms, that provided no possible social distancing due to  
 10 the excessive overcrowded conditions, the un-sanitized bed areas, that were less  
 11 than three feet apart from [3] other inmates that were double bunked. Plaintiff  
 12 brought these known dangerous conditions to the attention of his Supervisor  
 13 C/O Bliss on several occasions during the months of August and September 2020,  
 14 where I was told that: "The warden is aware of the Bed Positioning, and lack of  
 15 partitions, but has decided he's not going to spend any more money on doing any  
 16 patch work to this facility because he plans to close this facility ahead of  
 17 the scheduled closing date of June 2022." Plaintiff then complained to the  
 18 I.A.C. Chairman, who was responsible to bringing, these type of problems to the  
 19 attention of the facility Warden, and his Captain, via memorandum and once a  
 20 month during the wardens meeting. These known dangerous conditions were brought  
 21 to the attention of the warden B. Cates in IAS Memorandum in June 2020, January  
 22 2020, and February 2021, where it addressed the "Bed positioning" and "partitions"  
 23 "due to the population increase in June 2020, during the outbreak that did  
 24 contribute to the spreading of this disease, that was leading to a high increase  
 25 of confrontations between inmates, stress, tension, communicable disease  
 26 see "Toussaint v. Foley (9th Cir. 1994), in which the court affirmed a deter-  
 27 mination of an eighth amendment violation due to overcrowding when it "endangers

1 violence, tension, and psychiatric problems: i.d. at Toussaint v. Yockey 1492.  
 2 see also Akao v. Shimoda (1987) 832 F. 2d 119 . See also: Declarations  
 3 42.  
 4 These ultra-hazardous conditions existed in the work place at CCI- E - Facility  
 5 that ultimately led to Plaintiff being infected with covid-19 a second time  
 6 where it was detected in October 2020, where plaintiff continues to suffer from  
 7 this injury, and diminishing quality of life with out being able to smell, taste,  
 8 headaches, joint pain, and coughing of blood, the next, week, the next month or  
 9 year. Defendants had previous knowledge of the known dangerous conditions that  
 10 put plaintiff who was a critical worker ADA at CCI-E, that was operating a high  
 11 risk environment with the known dangers that Cates, refused to act on, in order  
 12 to save money, on his own reason to close the E-facility ahead of the scheduled  
 13 June 2022 date, issued by the Governor himself. The matter of closing this  
 14 facility ahead of the June 2022 deadline, was clearly finance related, due to  
 15 effect it caused on the facility with such an unexpected effect that can only  
 16 be described, as adversely negative amongst staff and inmates.. His failure to  
 17 act and adhere to protocols that would require spending were deliberately and  
 18 specifically motivated to cost and finance, and he deliberately ignored his  
 19 fiduciary Duty to , act reasonably to a known dangerous condition , where a  
 20 known deadly disease such as Covi-d-19, was constantly outbreaking at E-facility  
 21 and spreading, where it injured Plaintiff with pain and suffering, the next,  
 22 week, the next month and year. Where in this case if law did not put official[s]  
 23 on notice to the known dangers of the environments that clearly and obviously  
 24 existed at CCI- E- facility dorms CHU-and Rex Deal Dorm, where Plaintiff was  
 25 deliberately subjected to a known danger that put him as High Risk, for bein  
 26 infected with the virus. Saucier v. Katz 533 U.S. 194, 201 150 LEd. 2d 272 S. Ct.  
 27 2151(2001) " The relevant inquiry...is whether, it be clear to reasonable  
 [official] that his conduct was lawful or unlawful in the situation he confronted.

43.

Star v. Baca 652 F.3d 1202, 1207 (9th Cir. 1989) " Rather the requisite causal connection is established when the supervisor set[s] in motion a series of acts by others' or knowingly refuses to terminate a series of acts by others which the [supervisor] may also be held liable for his own culpable action or in-action in the training, supervision or control of his subordinates..."

Whereas, in this instant matter the existence of actual injury is indisputable, where CDCR/CCI continues to operate a ultra-hazardous condition, where the doctrine of the ultra hazardous activity provides that one who undertakes an ultra-hazardous activity is liable to every person who is injured as a proximate result of that activity, regardless of the amount of care he uses." see

Pierce v. Pacific Gas & Electric Co. (1985) 166 Cal. App. 3d. 68, 85.

44.

CCI and B. Cates, C. Schuyler, and Governor Newsom, was at all times aware of this ultra-hazardous condition, that ultimately caused plaintiff pain and suffering the next, week, the next month and year. The wanton disregard of the policy and Covid-safety protocols, are noted in the statement of facts where, Plaintiff, described the conversation with Associate warden C. Schuyler, who acknowledged he was there on behalf of Warden B. Cates, and it was obvious to the known dangerous condition, that he and [I] personally observed and agreed upon, was a unreasonable risk of harm and danger, that was contributing to the spread of the disease instead of preventing it, that caused Plaintiff unnecessary pain and suffering the next, week, the next month and/or year.

CONCLUSION

Plaintiff beleives he has now staed sufficient facts and authorities in the Memorandum of Points and Authorities, in this amended complaint and now prays to this court render relief in favor of this Plaintiff for pain and suffering and damages equitable to the injury Plaintiff has been harmed with the next, week, the next month and/or year.

March 21, 2022.

Respectfully Submitted,

  
By

Robert L. Sanford, In Propria Persona



REQUEST FOR RELIEF

WHEREFORE, Robert L. Sanford, now prays for judgement as follows:

- A.) Injunctive Relief;
- B.) Declaratory Relief;
- C.) Geneneral Damages According to proof;
- D.) For All Expenses of This Lawsuit;
- E.) For Treble Damages Pursuant To Civil Code§3345;
- F.) For punitive Damages Pursuant to Civil Code§3294;
- G.) For Damages For Dependent Adult abuse;
- H.) For Attorney Fees;
- I.) For Pre-Judgement Interest Allowable by Law
- J.) For Such Other and Further Relief This Court May Deem Proper;
- K.) For a Total of : \$1,500,000.00

Executed on : March 21, 2022

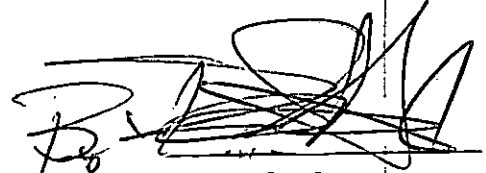
By: 

Robert L., Sanford

CERTIFICATE OF SERVICE

I, Robert L. Sanford, deposited a Amended Complaint in the United States Mail at: Sierra Conservation Center, 5150 O'Byrnes Ferry Rd, Jamestown, CA 95327, Pre-Paid Postage to the Following Parties/person[s] listed below.

On this 21 day of March 2022.



Robert L. Sanford

Office of the Attorney General

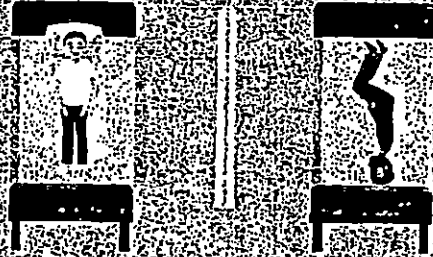
Attn: Colin A Shaff  
300 S. Spring Street, Suite 172  
Los Angeles, CA 90013

EXHIBIT "A"

## Placement When Positioning Beds 6 feet or more is NOT Possible:

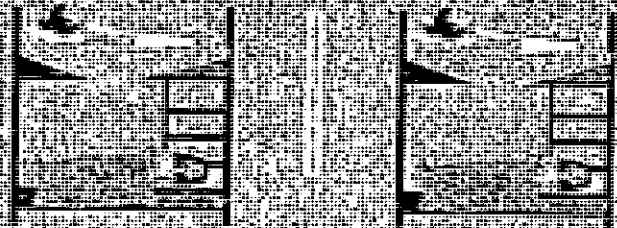
### For single beds:

- Ensure the person's laying position is head to toe.



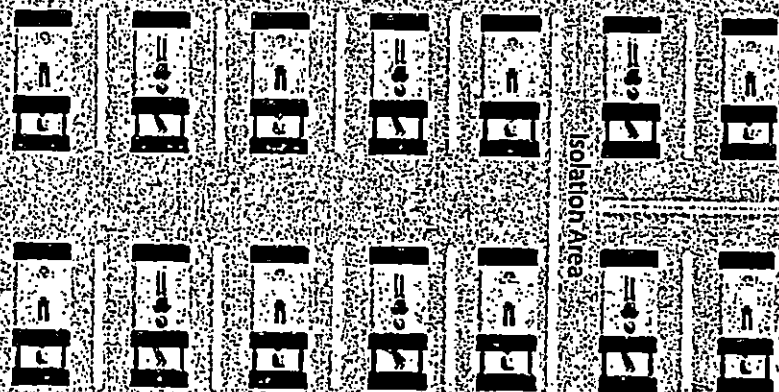
### For bunkbeds:

- Ensure the person's laying position is head to toe on each separate bunk bed including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.



Exhibit B



Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Virology Results

**Result Comments**

f17: SARS CoV 2 RNA (COVID19)  
 Additional information about COVID-19 can be found  
 at the Quest Diagnostics website:  
[www.QuestDiagnostics.com/Covid19](http://www.QuestDiagnostics.com/Covid19).  
 Lab test performed by:  
 Lab Mnemonic: 05D0642827  
 QUEST DIAGNOSTICS-WEST HILLS  
 8401 FALLBROOK AVENUE  
 WEST HILLS, CA 91304-3226  
 TAB TOOCHINDA

Specimen Type	Accession Number	Collected Date/Time	Ordering Provider	Received Date/Time	
Nasopharyngeal Swab	20-195-03518	7/13/2020 05:00 PDT	Kongara,Nanditha P&S	7/14/2020 22:57 PDT	
Procedure	Result	Units	Reference Range	Verified Date/Time	Verified By
SARS CoV 2 RNA (COVID19)	DETECTED @ f18		[NOT DETECTED]	7/15/2020 18:08 PDT	QUEST CONTRIBUTOR_ SYSTEM

**Result Comments**

f18: SARS CoV 2 RNA (COVID19)

A Detected result is considered a positive test result for COVID-19. This indicates that RNA from SARS-CoV-2 (formerly 2019-nCoV) was detected, and the patient is infected with the virus and presumed to be contagious. If requested by public health authority, specimen will be sent for additional testing.

Please review the "Fact Sheets" and FDA authorized labeling available for health care providers and patients using the following websites:  
<https://www.questdiagnostics.com/home/Covid-19/HCP/QuestIVD/fact-sheet.html>  
<https://www.questdiagnostics.com/home/Covid-19/Patients/QuestIVD/fact-sheet.html>

This test has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.

Due to the current public health emergency, Quest

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT.

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

Any Recent Changes to Medication : No  
 Compliance with the Medication/Treatment : Yes  
 Medications Taken Today : Yes  
 Medication Compliance : Medications (4) Active  
 Scheduled: (3)  
 +1-montelukast 10 mg Tab 10 mg 1 tab, Oral, qPM-KOP  
 +mometasone 100 mcg/inh Aerosol 120 puffs 100 mcg 1 puff, Oral, BID-KOP60  
 hepatitis A-B vaccine (Twinrix) 1 mL Susp-Inj syringe (0815-52) 1 mL, IM, Once  
 Continuous: (0)  
 PRN: (1)  
 +levalbuterol 45 mcg/puff Aerosol 15 gm 45 mcg 1 puff, Oral, q6hr-KOP90

Chisum, Geneva RN - 12/8/2020 11:29 PST  
 (As Of: 12/8/2020 13:08:31 PST)

Allergies (Active)  
 No Known Allergies

Estimated Onset Date: Unspecified ; Created By: Manglicmot,  
 Lina RN; Reaction Status: Active ; Category: Drug ;  
 Substance: No Known Allergies ; Type: Allergy ; Updated By:  
 Manglicmot, Lina RN; Reviewed Date: 12/8/2020 11:33 PST

**HEENT**  
**HEENT Nose Grid**

Left Nostril Signs/Symptoms :	Loss of smell (Comment: POSITIVE FOR COVID 19 6/20 AND 10/2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
Right Nostril Signs/Symptoms :	Loss of smell
Comment	(Comment: POSITIVE FOR COVID 19 IN JUNE 2020 AND OCT 2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
	Chisum, Geneva RN - 12/8/2020 11:29 PST

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

**Patient Encounter Information**

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963,, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Chisum, Geneva RN - 10/29/2020 12:20 PDT

**Subjective**

Arrival to Clinic : 10/29/2020 11:33 PDT

Mode of Arrival : Ambulatory

Appointment Type : Follow-Up

Chisum, Geneva RN - 10/29/2020 12:20 PDT

**7362 Symptom Grid**

Chief Complaint :	" I have not gotten 100% of my smell or taste back from testing possitive x2 for Covid 19".
Situation of Onset :	Started in July 2020, first time tested + for Covid 19.
Complaint Frequency :	Recurrent (Comment: Has had little to none sense of smell and taste. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )
Chief Complaint Onset :	10/28/2020 06:30 PDT
Comment	(Comment: Pt indeed tested possive for Covid 19-PT IS ANEMIC. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, I=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged Information Intended for the recipient only.

Patient:

SANFORD, ROBERT LIONEL

DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male

CDCR: V25176

**Assessment Forms**

Immunization due

Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z00.00  
 Date: 11/3/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Immunization due ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: Z23

Loss of smell

Date: 12/8/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Loss of smell ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R43.0

Nocturia

Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Nocturia ; Classification: Medical ;  
 Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R35.1

**Assessment****FTF-Nursing Diagnosis Grid**

NANDA Nursing Diagnosis :	Deficient Knowledge
Related To :	"I still can't smell anything after 2 months"
As Evidenced By :	2 positive Covid 19 results in 5 months
	Chisum, Geneva RN - 12/8/2020 13:05 PST

**Plan**

Patient Presentation: : Consistent with nursing protocol powerplans

Chisum, Ger. va RN - 12/8/2020 13:05 PST

**Follow-up/Disposition**

Follow-up Required : No

Disposition To: : Return to housing

Mode of Disposition Via: : Ambulatory

Release to Custody: Yes

Released Time : 12/8/2020 10:30 PST

Chisum, Geneva RN - 12/8/2020 13:05 PST

Nursing Face-to-Face / 7362 Entered On: 10/29/2020 12:40 PDT

Performed On: 10/29/2020 12:20 PDT by Chisum, Geneva RN

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 Information Intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Assessment Forms**

; Comments:

Loss of taste (SNOMED CT  
:61644018 )

10/29/2020 12:36 - Chisum, Geneva RN  
 PT TESTED + X 2 SINCE JULY 2020 FOR COVID 19. PT  
 STATES ONLY S/S IS LOSS OF SMELL AND TASTE.  
 Name of Problem: Loss of taste ; Recorder: Chisum, Geneva  
 RN; Confirmation: Confirmed ; Classification: Nursing ; Code:  
 61644018 ; Contributor System: PowerChart ; Last Updated:  
 10/29/2020 12:37 PDT ; Life Cycle Date: 10/29/20 ; Life Cycle  
 Status: Active ; Vocabulary: SNOMED CT  
 ; Comments:

Mod-severe rt knee (medial)  
 Posttraumatic arthropathy  
 (SNOMED CT  
:1231813011 )

10/29/2020 12:37 - Chisum, Geneva RN  
 PT TESTED + X2 FOR COVID 19 SINCE JULY 2020. PT  
 STATES ONLY S/S OF COVID IS LOSS OF TASTE AND  
 SMELL.  
 Name of Problem: Mod-severe rt knee (medial) Posttraumatic  
 arthropathy ; Recorder: Javate, Rosana P&S; Confirmation:  
 Confirmed ; Classification: Medical ; Code: 1231813011 ;  
 Contributor System: PowerChart ; Last Updated: 4/4/2017  
 12:09 PDT ; Life Cycle Status: Active ; Responsible Provider:  
 Javate, Rosana P&S; Vocabulary: SNOMED CT

Periodontitis (SNOMED CT  
:69332012 )

Name of Problem: Periodontitis ; Recorder: Javate, Rosana  
 P&S; Confirmation: Confirmed ; Classification: Dental ; Code:  
 69332012 ; Contributor System: PowerChart ; Last Updated:  
 5/24/2017 09:24 PDT ; Life Cycle Status: Active ; Responsible  
 Provider: Javate, Rosana P&S; Vocabulary: SNOMED CT

Pre DM (SNOMED CT  
:259356011 )

Name of Problem: Pre DM ; Recorder: Javate, Rosana P&S;  
 Confirmation: Confirmed ; Classification: Medical ; Code:  
 259356011 ; Contributor System: PowerChart ; Last Updated:  
 4/4/2017 12:09 PDT ; Life Cycle Status: Active ; Responsible  
 Provider: Javate, Rosana P&S; Vocabulary: SNOMED CT

Refractive error (SNOMED CT  
:1229482013 )

Name of Problem: Refractive error ; Recorder: Javate,  
 Rosana P&S; Confirmation: Confirmed ; Classification:  
 Medical ; Code: 1229482013 ; Contributor System:  
 PowerChart ; Last Updated: 5/24/2017 09:24 PDT ; Life Cycle  
 Status: Active ; Responsible Provider: Javate, Rosana P&S;  
 Vocabulary: SNOMED CT

Diagnoses(Active)

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

24

29



Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Therapeutic Notes

#### Group Comments

Completed COVID-19 Quarantine rounds. No unexplained, new, or worsening cough or shortness of breath reported or noted. No temperature >100F noted.

#### Individual Details For: **SANFORD, ROBERT LIONEL**

AGE: 56 Years DOB: 11/29/1963  
 MRN: V25176  
 Diagnosis: Participation:  
 Problem: Affect:  
 Goal Addressed: Behavior:  
 Goal Status: Mood:  
 Individual Duration: 0 Minutes Attendance: Full session attendance  
 Start Time: 10-Jul-2020 22:44 End Time: 10-Jul-2020 22:44

#### Individual Comments

Document Type:	Therapeutic/Intervention Note
Document Subject:	Therapeutic Intervention/Group Progress Note
Service Date/Time:	7/9/2020 10:38 PDT
Result Status:	Auth (Verified)
Perform Information:	DeLuna, Rachel LVN (7/9/2020 10:38 PDT)
Sign Information:	DeLuna, Rachel LVN (7/9/2020 10:38 PDT)
Authentication Information:	

#### Therapeutic Intervention/Group Progress Note

Therapy Name: **NSG COVID-19 Quarantine Rounding**

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

STATE OF CALIFORNIA  
 REFUSAL OF EXAMINATION AND/OR TREATMENT  
 CDCR 7225 (Rev. 03/19)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 1 OF 1


REFUSAL OF EXAMINATION AND / OR TREATMENT		
PATIENT NAME (TYPE OR PRINT CLEARLY)	CDCR NUMBER	INSTITUTION
Sanford, Robert	V85176	CCT

Having been fully informed of the risks and possible consequences involved in refusal of the examination and/or treatment in the manner and time prescribed for me, I nevertheless refuse to accept such examination and/or treatment. I agree to hold the Department of Corrections and Rehabilitation, the staff of the medical department and the institution free of any responsibility for injury or complications that may result from my refusal of this examination and/or treatment, specifically:

Describe the examination and/or treatment refused as well as the risks and benefit of the intervention:

REFUSED COVID-19 SWAB

Detained 7/13/2020

VZ5176  
 SANFORD, ROBERT LIONEL AS/RT  
 CCR E CHU 2 000-200760  
  
 1056 Pm 0500  
 25NOV20  
 20-262-5778A  
 COVID19-394  
 9/18/2020  
 1.00EA VCU Covid Risk

PATIENT SIGNATURE	DATE	<input checked="" type="checkbox"/> PATIENT REFUSES TO SIGN	DATE
	9/18/2020		9/18/20
WITNESS			
NAME OF WITNESS (PRINT/TYPE)	NAME OF WITNESS (PRINT/TYPE)	NAME OF WITNESS (PRINT/TYPE)	NAME OF WITNESS (PRINT/TYPE)
Kristle Woods, RN	M. J. Sanchez, CNA	M. J. Sanchez, CNA	M. J. Sanchez, CNA
WITNESS SIGNATURE	DATE	WITNESS SIGNATURE	DATE
Kristle Woods, RN	9/18/2020	M. J. Sanchez, CNA	9/18/20

1. Disability Code  
☐ TAGE SCORE ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ ID  
☐ DPE ☐ DVE ☐ DNE ☐ DSE  
☐ DFE ☐ DDE ☐ DSE  
☒ NOT APPLICABLE
2. Accommodation  
☒ Additional Time  
☐ Equipment ☐ SLI  
☐ Reader ☐ Slower  
☐ Braille ☐ Transcribe  
☐ Other
3. Effective Communication  
☒ P/T Asked Questions  
☒ P/T Summarized Information  
 Please check one:  
☐ Not Reached\* ☒ Reached  
 \*See clinician notes
4. Comments

CDCR #: V85176  
 Last Name: Sanford  
 First Name: Robert  
 DOB: 11/29/63

MI:

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state law.


**CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES**

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Sex: 11/29/1963-57 years Male  
 Encounter Date: 6/18/2020  
 Attending:

CDCR #: V25176  
 PID #: 11126329  
 Referring:

**Mental Health - Nursing**

No data exists for this section

**Mental Health Documentation**

Document Type:	MHMD Progress Note
Document Subject:	Free Text Note
Service Date/Time:	6/20/2020 16:26 PDT
Result Status:	Auth (Verified)
Perform Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Sign Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Authentication Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)

MHMD notes:

New arrival. GP LOC.

R. MOUSTAFA, MD  
 Covering Psychiatrist

Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, CDCR: V25176, FIN: 10000000311126329V25176, Facility: CC, Encounter Type: Institutional Encounter

Document Type:	MHPC Consult Routine Progress Note
Document Subject:	7362
Service Date/Time:	7/17/2020 20:42 PDT
Result Status:	Auth (Verified)
Perform Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Sign Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Authentication Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)

**Inmate's Program and Level of Care**

GP E YARD, CHL, LEVEL 1

**New Issues/Complaints**

IP was seen in housing unit in dayroom, per COVID-19 regulations IP is currently under isolation. IP was seen for a 7362 he submitted. IP reported having anxiety due to COVID-19. IP was since moved to isolation building. IP shared his concerns about "staying healthy." IP reported begin upset as he reported he was tested for COVID-19 3 times at previous institution and was negative. He tested positive for COVID-19 at CCI. IP

**Active Consult Orders**

MHPC Consult Routine - Completed  
 - 07/17/20 13:00:00 PDT, 07/14/20 11:26:00  
 PDT, IP requests to see PC, 7 days, Schedule  
 once within 5 business days, 07/11/20,  
 07/21/20 23:59:00 PDT

**Subjective/History of Present Illness**

N/A

Report Request ID: 42500485

Print Date/Time: 6/7/2021 12:12 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**

DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male

CDCR: V25176

**Assessment Forms****ENCTR Information :** Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963,, FIN:

10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

**COVID-19 Isolation Surveillance Rounding***Patient Refused Vital Signs :* No*Temperature Route :* Temporal*Temperature Temporal :* 36.4 DegC (Converted to: 97.5 DegF)*Peripheral Pulse Rate :* 68 bpm*Respiratory Rate :* 17 br/min*Systolic/Diastolic BP :* 135 mmHg*Systolic/Diastolic BP :* 81 mmHg*Mean Arterial Pressure, Cuff :* 99 mmHg*SpO2 :* 98 %*SpO2 Location :* Right hand*O2 Therapy :* Room air*Pain Present :* No actual or suspected pain*Complications of COVID-19 :* Other: decreased sense of smell

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

**COVID-19 Isolation Surveillance Rounding Entered On: 10/17/2020 15:27 PDT****Performed On: 10/17/2020 15:25 PDT by Self, Cherie RN****Patient Encounter Information****ENCTR Information :** Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963,, FIN:

10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Self, Cherie RN - 10/17/2020 15:25 PDT

**COVID-19 Isolation Surveillance Rounding***Patient Refused Vital Signs :* No*Temperature Route :* Temporal*Temperature Temporal :* 36.5 DegC (Converted to: 97.7 DegF)*Peripheral Pulse Rate :* 91 bpm*Systolic/Diastolic BP :* 128 mmHg*Systolic/Diastolic BP :* 90 mmHg*Mean Arterial Pressure, Cuff :* 103 mmHg*SpO2 :* 97 %*SpO2 Location :* Right hand*O2 Therapy :* Room air*Pain Present :* No actual or suspected pain*Are previously documented symptoms worsening :* No**Legend:** c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

EXHIBIT "C"



AFFIDAVIT

I, Parvin Tanner due declare under the penalty of perjury under the state of California and its Constitution and laws, and the United States Constitution and its laws, that the following statements of facts are true and correct:

- 1.) I due declare that I currently hold the position as Seargeant of Arms in the inmate Advisory Counsel here at California Correctional Institution (CCI), my CDCR # is AL1023.
2. I due declare that I am a direct eye-witness to the fact, that during a meeting with I.A.C. Chairman Richard Brouard with the Warden and facility Captain in or about January 2021, we proposed a inmate population concern to the (A) warden and Captain who were both in attendance.
3. I due declare after Chairman Brouard asked about the policy procedure issued by CDCR regarding the positioning of the beds in the dorms here at CCI, the (A) warden B. Cates stated: " We are no longer under any Covid Protocols and the beds positioning of bunks are in compliance"
4. I due declare that it was a fact during the month of January 2021, there were several reported cases of Covid-infected inmates here at CCI and I personally found it premature to say this facility is no longer following Covid-19 protocols and procedures.

As stated above I due declare under the penalty of perjury under the State of California's Constitution and its laws, and under the United States Constitution and its laws, that the foregoing is true and correct.

Date; Executed on September 9th, 2021

\_\_\_\_\_  
Parvin Tanner CDCR#AL1023, Declarant.

AFFIDAVIT

I, Richard Broussard CDCR#J98678, do declare under the penalty of perjury under the California Constitution and its laws, and United States Constitution and its laws that the following statements are true and correct.

1. I do declare that I Richard Broussard holds the position at CCI-E facility in Tehachapi, California, as the Inmate Advisory Counsel I.A.C. Chairman. E-Facility

2. I declare that as I.A.C. chairman, I am scheduled to meet with the warden and Captain Facility Administrator's, and give any and all updated policy, inmate concerns, program changes, etc. this meeting is usually scheduled once a month;

3. I do declare on or about May or June of 2020, there was a mass outbreak of Covid-19 at CCI.

4. I do declare during one of the meetings, during the mass out-break of Covid-19, I was able to ask a verbal question to the Warden and Captain of the facility, related to the positioning of the beds in the dorms on E-Facility, in accordance to CDCR policy. The only response I received verbally from the Warden (A) R. Cates "The beds are sufficient and in line with protocols and there wont be any changes to the bed positioning at all, "in the dorms".

5. I do declare that after that meeting with the Warden and facility Captain during June of 2020, That I was constantly being asked by the inmate population as to what protocols are CCI following if they are not following CDCR policy with bed positioning, so I also submitted my question in writing .. two separate memorandums to the facility Captain and warden.

6. I due declare I also submitted a memorandum to this policy issue regarding the bed positioning to The CEO Health Care Services CCT: Rhonda Litt, where There was no written or verbal response as to why this CDCR Covid-19 protocol was not being adhered to by The Medical Staff or the custody Administrators including the Warden B. Cates and his facility Captain and other Administrators under the direct supervision of B. Cates.

7. I due declare that, as I.A.C. Chairman followed up with this same question during a meeting with the Warden and Captain during the month of January 2021, where I was told personally by the Warden "We are no longer under Covid-19 protocol so that issue of bed positioning is not relevant".

I due declare that the facts stated herein this Affidavit are true and correct to the best of my ability, where I declare under the penalty of perjury of the laws and constitution of California, and the laws and Constitution of the United States. There is also supporting facts attached to this Affidavit showing that memorandums were submitted to the Warden, captain, and Rhonda Litt the CMO at CCI.

Date: Executed September 9th, 2021

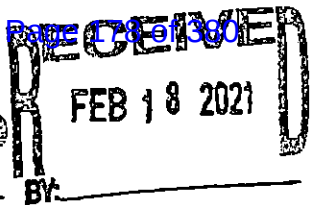
---

Richard Brousard, Declarant

# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581

SCANNED



## MEMORANDUM

DATE: 8 FEBRUARY 2021  
TO: MRS./Ms./Miss. LITT, CEO MEDICAL  
SUBJECT: MASKS SUPPLIES VERY LIMITED

The Inmate Advisory Council (I.A.C.) Executive Body has prepared this agenda for you to view before our next Captain's Meeting.

Inmates are not receiving masks N95 on a daily basis. We are handed one, maybe two masks every three to six weeks. The Center for Disease Control (CDC) recommends the changing of masks daily. Furthermore, the used masks are identified as a bio-hazard and are being placed in regular trash cans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.

BROUARD, RICHARD, J9867B  
I.A.C. CHAIRMAN  
CCI, FACILITY E

CC: B. Cates, Warden CCI  
S. Jacob, Ombudsman  
D. Spector, Prison Law Office  
R. Lesina, Facility E Captain /  
I.A.C. Coordinator

# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581.

---

## MEMORANDUM

DATE: 21 January 2021  
TO: R. LESINA, FACILITY E CAPTAIN, IAC COORDINATOR  
SUBJECT: CAPTAINS AGENDA

The Inmate Advisory Council (I.A.C.) EXECUTIVE Body has prepared this agenda for you to view before our next scheduled meeting.

### NEW BUSINESS:

The P.A. System, particularly the one on top of Van Westin is not working. This could be a potential security issue. Inmates are not able to discern instructions from the tower or movement.

CARES Act Economic Impact Payments: Why are PRISONERS not receiving their stimulus checks? It was reported that there were over 2300 checks received at the Mailroom in November 2020. There is a multitude of inmates that have not received their checks, with only a few receiving. Please confirm when inmates will receive checks from the first stimulus amount of \$1,200? It is our understanding that restitution is not supposed to be deducted from



(2)

these checks, please confirm under federal due process provisions.

Inmate Welfare Fund: Please provide the facility with the IWF budget and expenses for the fiscal year.

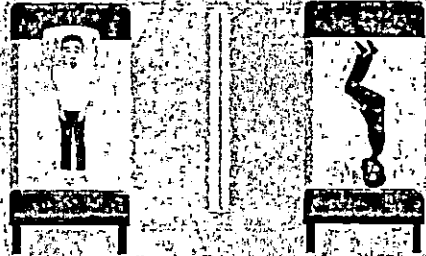
SB542: Please ask the Warden to provide the actual dollar amount assigned in the budget under SB542 for CCI, and provide an expense report reflecting how much of the SB542 funds were appropriated for each department or item expensed.

Housing Units Covid-19 Safety Protocols pursuant to CDCR Sacramento Headquarters titled "Placement when Positioning Beds 6 Feet or more is NOT Possible." Clark Hall Low and Up, Rex Deal, Briggs Hall dormitory setting are not compliant with CDCR Protocols for double bunk positioning and partitions use between double bunks and single bunks, in the face of a COVID-19 Pandemic wherein CCI is experiencing a second outbreak with now 3 inmates dead Facility "C" (Charlie Yard). Please make sure all housing units in dormitory settings are in "strict compliance" with double bunk positioning and partitions separating double bunks and single bunks.

## Placement When Positioning Beds 6 feet or more is NOT Possible:

### For single beds:

- Ensure the person's laying position is head to toe.



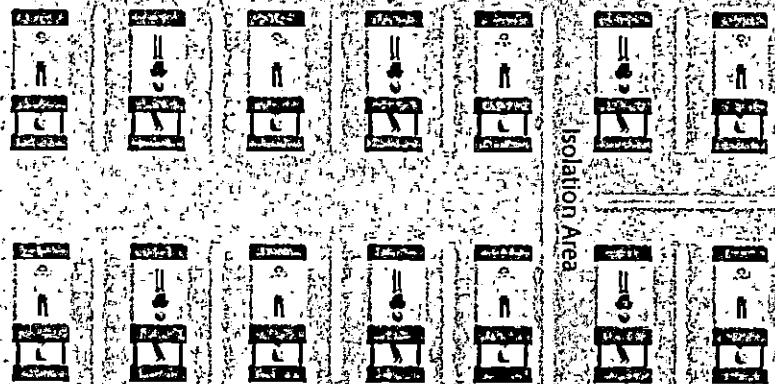
### For bunkbeds:

- Ensure the person's laying position is head to toe on **each separate bunk bed**, including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.



(3)

- Medical: Why are inmates not receiving masks KN95 masks on a daily basis? The masks that we do have do not last long. The CDC recommend the changing of masks daily. Furthermore, the used masks are identified as a bio-hazard and are being placed in regular trashcans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.
- Medical, COVID-19 Shots: Is there an ETA for when COVID-19 vaccinations will be implemented for inmates at CCI?
- COVID-19 Disinfectants: Sani-Guard is the disinfectant to Kill COVID-19. However, none of the housing units use Sani-Guard. In fact, the housing units use Cell Block-64 which is an EPA registered disinfectant, but does not Kill COVID-19 according to the label on the product, so the cleaning and disinfecting of common use areas in the inmate housing units are illusory, maintaining a false state of peace of mind.
- Title 15: The Spanish population is wanting a spanish version of Title 15 distributed to all housing units.

GYM: Requesting bunk beds and lockers be removed from Facility "E" Gym so it can be used by the population for its intended purpose.

- Cullinary and food safety concerns: There is an abundance of fecal matter droppings from the birds in the triangle area. The trees are serving vectors to facilitate bird gathering. The fecal matter is dropping on inmates with high frequency, and these inmate are also Kitchen workers who then hang their jackets, as an example, in the Kitchen area, or, have fecal matter on their shirts and clothing, This is a health hazard.

We do not have an adequate amount of Form GA22 "Request for Interview" for the population because they are not available. Please make sure housing units have their ample supply of GA22 Forms. It amounts to a due process issue.

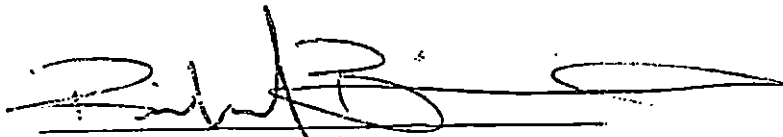
• Legal Mail letters are consistently not being sealed with tape after they are signed to maintain confidentiality. Please ensure this becomes a policy to be used in front of inmates, ensuring it is sealed, if it is not already policy.

(5)

CANTEEN: Canteen is phasing out canned goods. The canned goods are being replaced by pouch packaging and the pricing is exorbitantly higher. For example, Bushy Creek Breast Chicken is now \$3.50 for 4.5 ounces, while chicken in a can was \$1.15 for 5 ounces. Essentially the price of chicken has more than doubled, while the ounces have actually fallen. Pursuant to our third request to the canteen department, The MAC is requesting a meeting to discuss suggestions on item changes in canteen. (see ATTACHMENT A MEMORANDUM dated June 16, 2020)

The I.A.C. Office would like to know the status on the typewriter we have been requesting since August 2020.

Thank you for your time and consideration in advance.



R. BROUSSARD, J98678

I.A.C. Chairman

Facility E, CCI



# Inmate Advisory Council

California Correctional Institution  
P.O. Box 107, Tehachapi, CA 93581

## MEMORANDUM

DATE: June 16, 2020  
TO: S. Sainz, Prison Canteen Manager II  
SUBJECT: Annual Canteen Product Exchange

The Facility "E" I.A.C. Executive Body would like to formally request a meeting with you to discuss and submit our suggestions to exchange items within the canteen. The following items are listed for exchange by category and are the most popular requests made by the yard as a whole.

### -Microwave Items

- 1) Corn Dogs
- 2) Cheeseburgers

### -Food Items

- 1) 12" Flour Tortillas
- 2) Tostada Shells (Guerrero)
- 3) Chinese Style Sausage

### -Condiments

- 1) Cajun Hot Sauce
- 2) Hoisin Sauce

### -Chips

- 1) Flaming Hot Fritos
- 2) Lay's B.B.Q. Chips

### -Sodas

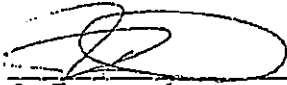
- 1) Sierra Mist
- 2) Sports Drink(s)


### -Pastries & Snacks

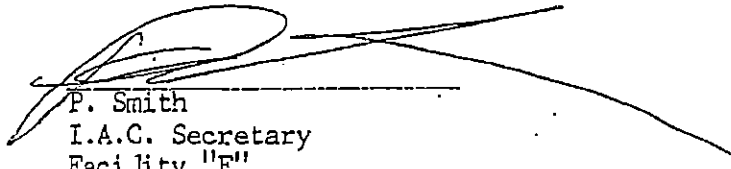
- 1) Variety of Donuts
- 2) Red Velvet Cupcakes

### -Miscellaneous

- 1) Alcohol Free Hand Sanitizer
- 2) Liquid Dish Soap
- 3) Sports Water Bottle
- 4) Loofa (Body Sponge)
- 5) Toilet Paper
- 6) Colored Pencils
- 7) Plastic Hooks
- 8) L-Shaped Coaxial Adapter
- 9) Sun Glasses
- 10) Earbuds (Skull Candy ((JIB))
- 11) Headphone Extension 6'

  
J. Townsend  
Lieutenant  
I.A.C. Coordinator  
Facility "E"

  
R. Brouard J98678  
I.A.C. Chairman  
Facility "E"

  
P. Smith  
I.A.C. Secretary  
Facility "E"

MRS/Ms/Miss F. Hernandez

The following Staff members are  
requested to attend:

CMO  
C. Renner  
C. Stephens  
C. Thara

Medical  
Accounting Dept.  
Mailroom  
Canteen Manager II

Thank you in advance.



R. Broussard, J98678  
I.A.C. Chairman

Warden's First Quarter Inmate Advisory Council Meeting-Facility E

February 18, 2021, 11 a.m.

- 1) Why are inmates not receiving masks (KN95 masks) on a daily basis? The masks that we do have do not last long. The CDC recommends the changing of masks daily. Furthermore, the used masks are identified as a biohazard and are being placed in regular trash cans instead of bio-hazard containers specifically designed to secure bio-hazard material wastes.
  - *Recommendation is not a mandate and the department has not issued a mandate on the number that should be issued. KN95s are distributed once a month to each yard to distribute 5 masks per inmate to be used in conjunction with PIA Cloth masks which should be laundered weekly. In the event a mask is torn or soiled, the inmates can make a request of a mask from the Sergeant or facility CO. For specific process, see attached Donning and Doffing Document.*
- 2) COVID-19 Shots: Is there an ETA for when COVID-19 vaccinations will be implemented for inmates at CCI.

Response:

- Due to the shortage of vaccine in the community and nationally, all allotments received were prioritized as follows (in the appropriate order, bold/italicized indicates populations are either completed OR are current populations served):
  - *High Risk, Naïve (never infected) Populations -this refers to a combination of factors inclusive of age, chronic illnesses, etc. We prioritized COVID risk factors 3+ and greater.*
  - *All Critical Workers-any person working directing with people or in close quarters.*
  - *Naïve with COVID risk factors below 3+*
  - Resolved inmates, 90 days out
  - Resolved inmates, less than 90 days out

*\*Keeping in mind that all vaccinations are contingent upon inventory and also contains the need to prioritize and incorporate any second doses before first doses are given. It is the intent to vaccinate all inmates desiring the vaccine and will be done so according to availability of inventory and prioritization, at CCI.*

- 3) COVID-19 Disinfectant Question- Cell Block 64 is adequate and can be used against COVID. See attachment from PIA.

*Submitted by: Rhonda Litt, CEO Health Care Services-CCI*

Exhibit "D"

Exhibit "D"



# CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



## Institutional Level Rejection Notice

**Date:** AUG 24 2021  
**To:** SANFORD, ROBERT (V25176)  
# E BH 1000020L  
California Correctional Institution  
P. O. Box 1031  
Tehachapi, CA 93581

**Tracking #:** CCI HC 21000699

Your health care grievance submitted for institutional level review does not comply with health care grievance procedures established in California Code of Regulations, Title 15, Chapter 2, Subchapter 2, Article 5, and is rejected for the following reason(s):

**Not Health Care Jurisdiction:** California Code of Regulations, Title 15, Section 3999.226(a)(4) states, "The grievant shall not submit a health care grievance for issues outside the health care jurisdiction."

Your concerns regarding [Workman's Compensation due to COVID] should be addressed through the appropriate channels or explain why you believe this issue is within the health care jurisdiction.

Take the necessary corrective action provided in this notice, and resubmit the health care grievance to the Health Care Grievance Office where you are housed within 30 calendar days.

- Per Sgt. – this is custody related issue. Sent to custody for processing.

Health Care Grievance Office Representative  
California Correctional Institution



STAFF USE ONLY		Expedited? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Tracking #: <u>CA HC 21000699</u>
<u>J. Burgos RN</u>		Signature: <u>Juan B. RN</u>	Date: <u>8-24-21</u>
If you think you have a medical, mental health or dental emergency, notify staff immediately. If additional space is needed, use Section A of the CDCR 602 HC A Health Care Grievance Attachment. Only one CDCR 602 HC A will be accepted. You must submit this health care grievance to the Health Care Grievance Office for processing. Refer to California Code of Regulations (CCR), Title 15, Chapter 2, Subchapter 2, Article 5 for further guidance with the health care grievance process.			
Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.			
Name (Last, First, MI): <u>Sanford, Robert</u>		CDCR #: <u>V25176</u>	Unit/Cell #: <u>BH-20L</u>
SECTION A:	Explain the applied health care policy, decision, action, condition, or omission that has had a material adverse effect upon your health or welfare for which you seek administrative remedy:		

SEE ATTACHED  
CDC-1824/602

Supporting Documents Attached. Refer to CCR 3999.227 ☐ Yes ☐ No

Grievant Signature: \_\_\_\_\_

Date Submitted: 8-20-21

BY PLACING MY INITIALS IN THIS BOX, I REQUEST TO RECEIVE AN INTERVIEW AT THE INSTITUTIONAL LEVEL. ☐

SECTION B: HEALTH CARE GRIEVANCE REVIEW INSTITUTIONAL LEVEL: Staff Use Only		Is a CDCR 602 HC A attached? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
This grievance has been:			
<input checked="" type="checkbox"/> Rejected (See attached letter for instruction):		Date: <u>AUG 24 2021</u>	Date: _____
<input type="checkbox"/> Withdrawn (see section E)			
<input type="checkbox"/> Accepted			
Assigned To: _____		Title: _____	Date Assigned: _____ Date Due: <u>10-27-21</u>
Interview Conducted? <input type="checkbox"/> Yes <input type="checkbox"/> No		Date of Interview: _____	Interview Location: _____
Interviewer Name and Title (print): _____		Signature: _____	Date: _____
Reviewing Authority Name and Title (print): _____		Signature: _____	Date: _____
Disposition: See attached letter <input type="checkbox"/> Intervention <input type="checkbox"/> No Intervention			
HCGO Use Only: Date closed and mailed/delivered to grievant: <u>AUG 24 2021</u>			

- |  |   |   |
|--|---|---|
| 1. Disability Code:<br><input type="checkbox"/> TABE score $\leq$ 4.0<br><input type="checkbox"/> DPH <input type="checkbox"/> DPV <input type="checkbox"/> LD<br><input type="checkbox"/> DPS <input type="checkbox"/> DNH<br><input type="checkbox"/> DDP<br><input type="checkbox"/> Not Applicable | 2. Accommodation:<br><input type="checkbox"/> Additional time<br><input type="checkbox"/> Equipment <input type="checkbox"/> SLI<br><input type="checkbox"/> Louder <input type="checkbox"/> Slower<br><input type="checkbox"/> Basic <input type="checkbox"/> Transcribe<br><input type="checkbox"/> Other | 3. Effective Communication:<br><input type="checkbox"/> Patient asked questions<br><input type="checkbox"/> Patient summed information<br>Please check one:<br><input type="checkbox"/> Not reached <input type="checkbox"/> Reached<br>*See chrono/notes |
|--|---|---|

4. Comments: \_\_\_\_\_

RECEIVED  
REJECTED  
CCI  
AUG 24 2021  
S. CCI  
AUG 24 2021  
USE ONLY  
HCGO

STATE OF CALIFORNIA

## HEALTH CARE GRIEVANCE

CDCR 602 HC (Rev. 10/18)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

Tracking #: 001 HC 210001099

**SECTION C:** Health Care Grievance Appeal. If you are dissatisfied with the Institutional Level Grievance Response, explain the reason below (if more space is needed, use Section C of the CDCR 602 HC A), and submit the entire health care grievance package by mail for Headquarters' (HQ) Level health care grievance appeal review. Mail to: Health Care Correspondence and Appeals Branch, P.O. Box 588500, Elk Grove, CA 95758.

Grievant Signature:

Date Submitted:

**SECTION D: HEALTH CARE GRIEVANCE APPEAL REVIEW HQ LEVEL: Staff Use Only**Is a CDCR 602 HC A attached? ☐ Yes ☐ No

This grievance has been:

☐ Rejected (See attached letter for instruction): Date: \_\_\_\_\_ Date: \_\_\_\_\_☐ Withdrawn (see section E) ☐ Accepted☐ Amendment Date: \_\_\_\_\_Interview Conducted? ☐ Yes ☐ No Date of Interview: \_\_\_\_\_ Interview Location: \_\_\_\_\_

Interviewer Name and Title (print): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Disposition: See attached letter ☐ Intervention ☐ No Intervention*This decision exhausts your administrative remedies.*

HQ Use Only: Date closed and mailed/delivered to grievant: \_\_\_\_\_

**SECTION E:** Grievant requests to WITHDRAW health care grievance: I request that this health care grievance be withdrawn from further review. Reason:

Grievant Signature:

Date Submitted:

Staff Name and Title (Print):

Signature:

Date:

**STAFF USE ONLY**

Distribution: Original - Returned to grievant after completed; Scanned Copy - Health Care Appeals and Risk Tracking System 2.0 (Do not place in central file or health record)

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state laws.

STAFF USE ONLY

Tracking #:

CEI HC 21000699

Attach this form to the CDCR 602 HC, Health Care Grievance, only if more space is needed. Only one CDCR 602 HC A may be used. Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI):

Sanford, Robert L.

CDCR Number:

V-25176

Unit/Cell Number:

BH-20L

SECTION A

Continuation of CDCR 602 HC, Health Care Grievance, Section A only (Explain the applied health care policy, decision, action, condition, or omission that has had a material adverse effect upon your health or welfare for which you seek administrative remedy):

I was diagnosed with Covid-19 on July 13, 2020 here at facility E- CCI, after being moved in a mass movement on July 10, 2020 from dorm Clark Hall low to Rex Deal dorm on facility E, after being ordered to move from the direct order of Brian Cates the Warden at CCI, the following morning I was unable to smell or taste, and immediately reported symptoms to the CCI nursing staff on 7/11/2020 on 7/13/2020 the virus was detected. After being assigned to ADA Position # AD1.001.001 on August 1, 2020, I was authorized to work, however the conditions that subjected me to being infected with Covid-19 was not adhered to by B. Cates or his staff as to the dangerous living conditions within the dorm settings and environment where there is no available social distancing as a matter of fact, and my employer CDCR/via CCI has allowed a known dangerous condition to exist within the living conditions that I am forced to work in that absolutely maintains de facto zero social distancing policies in the housing units I work in where I take care of disabled inmates. After voicing my concerns for these dangerous conditions relating them in 602's and letters to Cates, and from being infected with Covid-19 I contracted Covid-19 a second time at CCI, while working as a resident ADA Worker, and even after being diagnosed for the Covid-19 Virus, while employed I was not given my workman's Compensation Claim Form, for the injury that I am now sustaining ongoing. Further more, the dangerous living conditions continue in my work environment where I reside in Briggs Hall and given previous complaints I have filed, the Warden B. Cates has continued to permit or willfully has allowed my health to be endangered all the more with Delta variant of the Covid-19 virus now finding its way into B-yard here at CCI, and the recent Covid-19 infection just weeks ago with a inmate testing positive for Covid-19 in Van Westen Building on facility E I now suspect that I will contract the Covid-19 virus for a third time while working as a ADA worker because the residents' living environment remains with no social distancing whatsoever, and for the fact this CCI institution does not comply with the housing units bed positioning policies set forth in the EXHIBIT Attached to this appeal. My health is endangered

Grievant Signature:

*[Signature]*

Date Submitted:

August-20-2021

SECTION B

Staff Use Only: Grievants do not write in this area. Grievance Interview Clarification. Document issue(s) clarified during interview.

Name and Title:

Signature:

Date:

RECEIVED  
CCI

AUG 24 2021

HCGO

REJECTED  
CCI

AUG 24 2021

HCGO

STAFF USE ONLY

51

<b>SECTION C:</b>	Continuation of CDCR 602 HC, Health Care Grievance Appeal, Section C only (Dissatisfied with Health Care Grievance Response):
-------------------	---

Grievant Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

**SECTION D:** Staff Use Only: Grievants do not write in this area. Grievance Appeal Interview Clarification. Document issue(s) clarified during interview (if necessary at HQ Level).

Name and Title: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**STAFF USE ONLY**

**Distribution: Original - Returned to grievant after completed, Scanned Copy - Health Care Appeals and Risk Tracking System 2.0 (Do not place in central file or health record)**

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state laws.

52

STAFF USE ONLY

Tracking #:

CA HC 2000699

Attach this form to the CDCR 602 HC, Health Care Grievance, only if more space is needed. Only one CDCR 602 HC A may be used.  
Do not exceed more than one row of text per line. WRITE, PRINT, or TYPE CLEARLY in black or blue ink.

Name (Last, First, MI):

Sanford, Robert L.

CDCR Number:

V-25176

Unit/Cell Number:

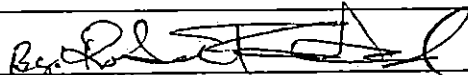
BH-20L

SECTION A:

Continuation of CDCR 602 HC, Health Care Grievance, Section A only (Explain the applied health care policy, decision, action, condition, or omission that has had a material adverse effect upon your health or welfare for which you seek administrative remedy):

~~AS a ADA worker for the department having to assist disabled inmates with medical conditions I as well ; as the residents who live in my work environment are dependant adults protected as a special class by Cal. Penal Code Section 368(b) by operation of law under civil action You CCI and the Medical Department have been given NOTICE I am also a dependant adult, living and working in a dangerous living conditions, with my health being endangered, as I have not regained smell and taste since , July of 2020, and now the respiratory specialist has now deemed the symptoms I having of constant headaches, shortness of breath, fatigue, not being able to sit or stand for long periods of time , joint pains, coughing up blood clots, has all been contributed to the infections of the Covid =19 in what is now being called the "Long Haulers Effect" , with the continous endangering of inmates here at CCI which is permitted or willfully allowed , and until recent discovery I was made aware I could apply for workmans Comp due to the injury I have sustained while working, CCI and its staff fail to train supervisors of this fact, and now that I still suffer from these conditions, I have no other remedy to bring these facts to light other than this document which now serves as an official Notice that custodians of CCI are permitting dangerous conditions that endanger the health of residents ADA dependants.~~

Grievant Signature:



Date Submitted: August 20, 2021

SECTION B: Staff Use Only: Grievants do not write in this area. Grievance Interview Clarification. Document issue(s) clarified during interview.

Name and Title:

Signature:

Date :

RECEIVED  
CCI

AUG 24 2021

REJECTED  
CCI

AUG 24 2021

HCGO

HCGO

STAFF USE ONLY

53



Tracking #:

**SECTION C:**

Continuation of CDCR 602 HC, Health Care Grievance Appeal, Section C only (Dissatisfied with Health Care Grievance Response):

**Grievant Signature:**

**Date Submitted:**

## SECTION D:

Staff Use Only: Grievants do not write in this area. Grievance Appeal Interview Clarification. Document issue(s) clarified during interview (If necessary at HQ Level).

**Name and Title:**

**Signature:**

**Date :**

**STAFF USE ONLY**

**Distribution: Original - Returned to grievant after completed, Scanned Copy - Health Care Appeals and Risk Tracking System 2.0 (Do not place in central file or health record)**

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state laws.

54



# CALIFORNIA CORRECTIONAL HEALTH CARE SERVICES



## Institutional Level Response

Closing Date: SEP 14 2020

To: SANFORD, ROBERT (V25176)  
E CHU 2000118L  
California Correctional Institution  
P. O. Box 1031  
Tehachapi, CA 93581

Tracking #: CCI HC 20000476

### RULES AND REGULATIONS

The rules governing these issues are: California Code of Regulations, Title 15; Health Care Department Operations Manual; Mental Health Services Delivery System Program Guide; California Department of Corrections and Rehabilitation Department Operations Manual.

### HEALTH CARE GRIEVANCE SUMMARY

In your CDCR 602 HC, Health Care Grievance, you explained the decision, action, condition, omission, policy, or regulation that has had a material adverse effect upon your health or welfare for which you seek administrative remedy.

Issue	Description
Issue: Non-Medical/Custody ( Housing )	You state you feel dorm settings here at CCI are overcrowded and social distancing for COVID-19 is not being followed which puts you at risk for contracting the virus.

### INTERVIEW

Pursuant to California Code of Regulations, Title 15, Section 3999.228(f)(1), an interview was not conducted as you did not request one by initialing the appropriate box on the CDCR 602 HC, Health Care Grievance.

### INSTITUTIONAL LEVEL DISPOSITION

☒ No intervention. ☐ Intervention.

### BASIS FOR INSTITUTIONAL LEVEL DISPOSITION

Your health care grievance package and health record, and all pertinent departmental policies and procedures were reviewed. These records indicate:

- CCI is following all COVID-19 pandemic protocols put into place by Headquarters in Sacramento. You tested positive for COVID-19 with cough and headache for 1 day, however, no additional symptoms were documented in EHRS.

The California Department of Corrections and Rehabilitation and California Correctional Health Care Services have protocols in place that follow recommendations for quarantines set forth by the California Department of Public Health and the Centers for Disease Control and Prevention. Any patient who shows symptoms of COVID-19 will be tested for COVID-19 as appropriate.

Note 1: The institutional level review is based on records available as of the date the Institutional Level Response is signed by the reviewing authority.

Note 2: The closing date reflects the closed, mailed/delivered date of the health care grievance.

Note 3: Permanent health care grievance document. Do not remove from the health care grievance package.

HEALTH CARE SERVICES

55

RECEIVED  
CCI  
AUG 24 2021  
HCGO

# Placement When Positioning Beds 6 feet or more is NOT Possible:

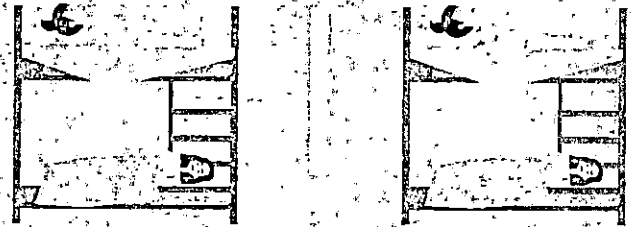
## For single beds:

- Ensure the person's laying position is head to toe.



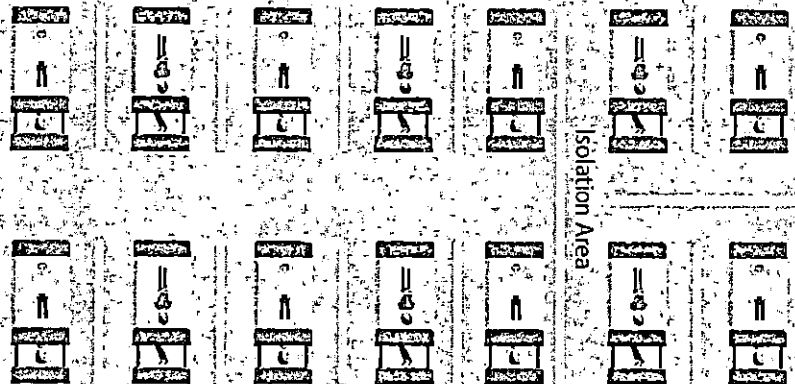
## For bunkbeds:

- Ensure the person's laying position is head to toe on **each separate bunk bed**, including positioned head to toe on adjacent bunks.



## For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.

RECEIVED  
CCI  
AUG 24 2021

REJECTED  
CCI  
AUG 24 2021

HCGO

HCGO



Patient: SANFORD, ROBERT LIONEL  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

**Discharge Documentation**

**Reason For Visit:** Alpha thalassemia trait; Cough with hemoptysis; Generalized body aches; Head ache; Loss of smell; Shortness of breath with exposure to COVID-19 virus

**Recommendations and arrangements for future care**

**Devices/Equipment:**

**Eyeglass Frames Permanent Other/Unknown, Do Not Dispense, Patient Already Has**

Provider Comment:

**MEDICATIONS:**

During the course of your visit your medication list was updated with the most current information.

**Start Taking These Medications:**

**montelukast 10 mg Tab (montelukast 10 mg)**

- For Asthma: Take 1 tab (Total Dose = 10 mg), by mouth every evening on your own
- Start Date: March 23, 2021
- Take for: 120 day(s)

*Comments: This medication does not work immediately and should not be used when quick relief is needed for acute asthma attacks. Warning: This medication WILL NOT stop an asthma attack once it has started. Call your doctor immediately if you have mental/mood changes like confusion, new/worsening feeling of sadness/fear, thoughts of suicide, or unusual behavior.*

**MVI w/Minerals Tab (National) (0400-50) (Multiple Vitamins with Minerals)**

- For Head ache: Take 1 tab, by mouth once a day on your own
- Start Date: April 06, 2021
- Take for: 60 day(s)

*Comments: Take with food or milk. May discolor urine or feces.*

**naproxen 500 mg Tab (Naprosyn)**

- For Head ache: Take 1 tab (Total Dose = 500 mg), by mouth twice a day on your own as needed for headache

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

57





State of California  
Department of Industrial Relations  
DIVISION OF WORKERS' COMPENSATION



Estado de California  
Departamento de Relaciones Industriales  
DIVISION DE COMPENSACIÓN AL TRABAJADOR

WORKERS' COMPENSATION CLAIM FORM (DWC 1)

PETITION DEL EMPLEADO PARA DE COMPENSACIÓN DEL TRABAJADOR (DWC 1)

**Employee:** Complete the "Employee" section and give the form to your employer. Keep a copy and mark it "Employee's Temporary Receipt" until you receive the signed and dated copy from your employer. You may call the Division of Workers' Compensation and hear recorded information at (800) 736-7401. An explanation of workers' compensation benefits is included in the Notice of Potential Eligibility, which is the cover sheet of this form. Detach and save this notice for future reference.

You should also have received a pamphlet from your employer describing workers' compensation benefits and the procedures to obtain them. You may receive written notices from your employer or its claims administrator about your claim. If your claims administrator offers to send you notices electronically, and you agree to receive these notices only by email, please provide your email address below and check the appropriate box. If you later decide you want to receive the notices by mail, you must inform your employer in writing.

**Empleado:** Complete la sección "Empleado" y entregue la forma a su empleador. Quédese con la copia designada "Recibo Temporal del Empleado" hasta que Ud. reciba la copia firmada y fechada de su empleador. Ud. puede llamar a la División de Compensación al Trabajador al (800) 736-7401 para oír información gravada. Una explicación de los beneficios de compensación de trabajadores está incluido en la Notificación de Posible Elegibilidad, que es la hoja de portada de esta forma. Separe y guarde esta notificación como referencia para el futuro.

Ud. también debería haber recibido de su empleador un folleto describiendo los beneficios de compensación al trabajador lesionado y los procedimientos para obtenerlos. Es posible que reciba notificaciones escritas de su empleador o de su administrador de reclamos sobre su reclamo. Si su administrador de reclamos ofrece enviarle notificaciones electrónicamente, y usted acepta recibir estas notificaciones solo por correo electrónico, por favor proporcione su dirección de correo electrónico abajo y marque la caja apropiada. Si usted decide después que quiere recibir las notificaciones por correo, usted debe de informar a su empleador por escrito.

Any person who makes, or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

Toda aquella persona que a propósito haga o cause que se produzca cualquier declaración o representación material falsa o fraudulenta con el fin de obtener o negar beneficios o pagos de compensación a trabajadores lesionados es culpable de un crimen mayor "felonia".

Employee—complete this section and see note above		Empleado—complete esta sección y note la notación arriba.	
1. Name. <i>Nombre.</i> <u>Robert Lionel Sanford</u>		Today's Date. <i>Fecha de Hoy:</i> <u>August 23, 2021</u>	
2. Home Address. <i>Dirección Residencial.</i> <u>CCI P.O. Box 107,</u>			
3. City. <i>Ciudad.</i> <u>Tehachapi</u>		State. <i>Estado.</i> <u>California</u> Zip. <i>Código Postal.</i> <u>93581</u>	
4. Date of Injury. <i>Fecha de la lesión (accidente).</i> <u>07/12/20, 10/02/20</u>		Time of Injury. <i>Hora en que ocurrió.</i> <u>N/A</u> a.m. <u>N/A</u> p.m.	
5. Address and description of where injury happened. <i>Dirección/lugar dónde ocurrió el accidente.</i> <u>Correctional Inst. ADA Worker Position # AD1.C01.C01 during work hrs. Contracted Covid -19</u>		I am a employee at California	
6. Describe injury and part of body affected. <i>Describe la lesión y parte del cuerpo afectada.</i> <u>able to smell, taste, shortness of breath, coughing up blood clots, headaches, joint pain, dangerous Cond.</u>		The injury Covid-19 caused while at work, not	
7. Social Security Number. <i>Número de Seguro Social del Empleado.</i> <u>554-15-8012</u>			
8. <input type="checkbox"/> Check if you agree to receive notices about your claim by email only. <input type="checkbox"/> Marque si usted acepta recibir notificaciones sobre su reclamo solo por correo electrónico. Employee's e-mail. <u>Correa electrónico del empleado.</u>			
You will receive benefit notices by regular mail if you do not choose, or your claims administrator does not offer, an electronic service option. <i>Usted recibirá notificaciones de beneficios por correo ordinario si usted no escoge, o su administrador de reclamos no le ofrece, una opción de servicio electrónico.</i>			
9. Signature of employee. <i>Firma del empleado.</i> <u>Bg. [Signature]</u>			
Employer—complete this section and see note below.		Empleador—complete esta sección y note la notación abajo.	
10. Name of employer. <i>Nombre del empleador.</i> <u>CCI P.O. Box 107, Tehachapi, CA 93581</u>			
11. Address. <i>Dirección.</i> <u>CCI P.O. Box 107, Tehachapi, CA 93581</u>			
12. Date employer first knew of injury. <i>Fecha en que el empleador supo por primera vez de la lesión o accidente.</i> _____			
13. Date claim form was provided to employee. <i>Fecha en que se le entregó al empleado la petición.</i> _____			
14. Date employer received claim form. <i>Fecha en que el empleado devolvió la petición al empleador.</i> _____			
15. Name and address of insurance carrier or adjusting agency. <i>Nombre y dirección de la compañía de seguros o agencia administradora de seguros.</i> _____			
16. Insurance Policy Number. <i>El número de la póliza de Seguro.</i> _____			
17. Signature of employer representative. <i>Firma del representante del empleador.</i> _____			
18. Title. <i>Título.</i> _____		19. Telephone. <i>Teléfono.</i> _____	

**Employer:** You are required to date this form and provide copies to your insurer or claims administrator and to the employee, dependent or representative who filed the claim within one working day of receipt of the form from the employee.

SIGNING THIS FORM IS NOT AN ADMISSION OF LIABILITY

**Empleador:** Se requiere que Ud. feche esta forma y que provéa copias a su compañía de seguros, administrador de reclamos, o dependiente/representante de reclamos y al empleado que hayan presentado esta petición dentro del plazo de un día hábil desde el momento de haber sido recibida la forma del empleado.

EL FIRMA DEL EMPLEADOR NO SIGNIFICA ADMISION DE RESPONSABILIDAD

☐ Employer copy/Copia del Empleador ☐ Employee copy/Copia del Empleado ☐ Claims Administrator/Administrador de Reclamos ☐ Temporary Receipt/Recibo del Empleado

AUG 24 2021

AUG 24 2021

NOGO 57 NOGO



DECLARATION OF Robert L. Sanford

I, Robert L. Sanford, do declare under the penalty of perjury that the following statements are true under the United States Constitution and its laws, the State of California Constitution and its laws.

On June 18, 2020, I Robert L. Sanford was transferred to CCI-E facility from SCC in Jamestown, CA 95327;

On June 2020, after arriving at CCI-E-facility an outbreak of Covid-19 was already occurring at E-facility that was infecting multiple amounts of inmates

I was only quarantined at CCI-E-Fac. for about 9 days, instead of the 14 days I was suppose to be in quarantine at CCI- before being mixed in with already infected population;

On or about June 28, 2020, I was moved from Van Westen Upper to Clark Hall Lower (CHL)dorm, where it was said by medical staff that the outbreak on CCI-E-Facility happened in CHL dorm;

Where they had recently housed some inmates from Delano Reception Center, during the height of this known dangerous pandemic;

I asked the correctional staff at Van Westen before I moved, "Why am I being moved before my 14 day quarantine is up" C/O Masteriff stated: That decision is way above my pay grade and this came directly from the warden, so you would have to take your complaint up with him";

I then talked to other inmates leaving CHL dorm now moving into Van Westen they were all infected with Covid-19, the halls where in pandemonium with all the movement and mixing of inmates, my concern now was that I was in a more dangerous condition than I was at SCC dorms;

After moving into the excessively over-crowded dorm where there was less than 3 feet of distance, the dorm was deplorable with inadequate ventilation exposed asbestos, mold in the shower, rusted out beds, and soiled mattresses,

where it was clearly evident CCI- was refusing to comply with the CDCR Bed Positioning and Partitions when there is no possible way to social distance, and there are more than 10 beds in a room/dorm;

On July 5, 2020, I was in the dayroom when I noticed two officials entering the back door to CHL dorm, the male identified himself as C. Schuyler the Associate Warden of CCI, the other was a female name unknown JANE DOE;

this declarant at this time voiced his concerns as to the obvious clearly unsafe dangerous condition that I was being deliberately subjected to at CCI-E-Facility, where I personally explained to C. Schuyler: " Why are you and the warden subjecting me and other inmates with pre-existing medical issues to this known dangerous condition, that is injuring inmates daily with being infected, you guy's are not following the protocols, with cleaning and disinfecting, there is no social distance, its extremely overcrowded to the point I can't even move without touching somebody in my own bed area(01 we are unsafe here in these known dangerous conditions."

C. Schuyler replied: I'm here this morning on behalf of the Warden, in order to try and stop the spreading of the Covid-19 on this facility, we should have something done within a week,"

The conversation was interrupted before the Associate Warden Schuyler could finish explaining what him and the warden were planning, by C/O Edmonds the regular officer in CHL dorm, he escorted Schuyler from the dayroom and then said to declarant this statement: "I will show you later how I deal with inmates that approach officials coming into my dorm about their health concerns" (Meaning he would issue some type of discipline).

On July 10, 2020, the whole CHL dorm was told to pack all their personal property and move to Rex Deal dorm by C/O Edmonds we were all told the move had to be done before 4:00 p.m. count, and who ever delays count will be written a RVR report,;

the Rex Deal (RD)dorm was in total shambles and in such a deplorable condition it was obviously a known dangerous condition for cross contamination of Covid-19, due to earlier that same day July 10, 2020, they just moved all the inmate

from RD dorm to Davis Hall dorm and Briggs Hall Dorm both located on E- Facility, where this mass movement is a known contributing factor to spreading the Covid-19 virus within the facility, the inmates left the dorm with bed linen that was dirty and soiled in the bed areas, clothing that was soiled, mattresses not cleaned or dis-infected, there was no ventilation, and again absolutely no possible way to social distance the beds were less than 3 feet apart, and the dorm had not been pre-sanitized before moving mass amounts of inmates to this dorm was certainly a known dangerous condition;

the C/O in RD-dorm had little to no disinfectant to clean, his name unknown at this time JOHN DOE, said:" The other inmates must have taken the cleaning supplies when they moved earlier, and there was nothing more he could do about that matter" ;

On July 11, 2020, this declarant awoken to injury without being able to smell or taste, due to being deliberately subjected to a known dangerous condition where cross contamination, was certainly one of the contributing factors to increasing the spread of Covid-19 at this facility;

I the declarant immediately reported the symptoms to the nurse[s] JANE DOE 1 and JANE DOE 2, that morning, where I was given a Covid-19 test, and moved that day to an isolation dorm;

in Van Westen low, where I was found to be POSITIVE for the Covid-19 on July 13, 2020, I was then moved again to Clark Hall low CHL, which now was the Covid dorm, where this was known as the Covid dorm all alone due to the origin of of the outbreak, where declarant was deliberately subjected to a known dangerous condition, where the warden and associate warden were absolutely aware of the cross contamination of mixing inmates from other institutions was putting declarant in a unreasonable risk of harm and danger of being caused pain and suffering, the next, week, the next month or year;

This declarant filed 602 greivances, and administrative notices, warning of these dangers that put him at an unreasonable risk of harm and danger, whereas, he was ultimately injured a second time with being infected at CCI, even after Warden was put on notice declarant was a high risk medical



with pre-existing medical issues, and now having to be deliberately subjected to a known dangerous work environment that resulted in again injuring declarant for the second time, where declarant (I), was employed as a "American Disability Worker" where my job duties, consisted of helping disabled inmates with understanding legal documents, and general task they cannot perform due to their disability;

furthermore, the job duties required that I enter the known dangerous conditions, that allowed for mixing with overcrowded dorms, no bed positioning, no partitions, inadequate ventilation, asbestos exposed, dirt and filth, in the un-sanitized dorms;

I [declarant] brought these known dangerous conditions to the attention of of immediate supervisor on multiple occasions during the months of August and September C/O Bliss who said: " The warden is aware of the lack of bed positioning, and other un-safe conditions, but he's not going to spend any excess money on patch work, because he is planning on closing this facility a-head of the scheduled closing date of June 2022.";

I also brought this matter to the attention of the Inmate Advisory Council I.A.C., where the warden and facility administrators rely on these I.A.C. members issued memorandums, and reports to situations and issues related to the facility, where they had a once a month meeting with B. Cates the Warden at CCI and his facility Capatain;

On or about January 2021, the Chairman, and Sergeant of Arms, Richard Bruossard, the Chairman, and Parvin Tanner, the Sgt of Arms, both were in attendance at this meeting with the warden, where they were both direct eye-witnesses, to the statements made by Warden B. Cates, saying: CCI-E- Facility is no longer under Covid-19 protocols, and the Bed positioning and partitions in the dorms, are adequate, and I'm not dealing with that issue...";

there is no doubt that Warden Cates, was not aware of the known dangerous conditions that existed at his facility, was not contributing to the spreading of this virus, but was being created by his failure to act, with policy and protocols, that he refused to adhere to in order to save cost so he could move forward with his plan for closing this facility ahead of the June 2022

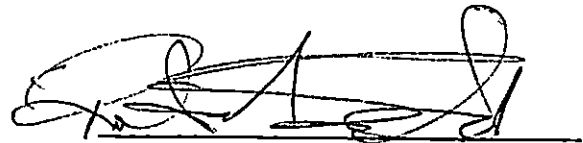
deadline, issued for closure by Defendant Governor Gavin Newsom;

This declarant, was put in a ureasonable risk of harm and danger because this warden, wanted to cut cost, with implementing Covid-19 preventive measures, that resulted in this declarant now suffering with lack of smell, taste, coughing of blood, headaches, joint pain, all contributed to his being infected with Covid-19 "Long Haulers Effect", where declarant is now suffering aa diminished quality of life, the next, week, the next month or year.

The affidavits of Richard Bruossard and Parvin Tanner are in declarants amended complaint, to which this declaration is now incorporated, including test results that support the fact declarant suffers the injury stated herein.

I, Robert L. Sanford due declare under the penalty of perjury that the foregoing statements are true and correct.

Executed on this 21st, day of March 2022

A handwritten signature in black ink, appearing to read 'Robert L. Sanford', written over a horizontal line.

Robert L. Sanford, Declarant

2022 MAR 29 AM 1:16  
ATTORNEY GENERAL  
LOS ANGELES

SV

RECEIVED  
2022 MAR 28 PM 4:19  
ATTORNEY GENERAL  
LOS ANGELES

WRENT L. SAN FORD  
V-2576 A-15-12L  
SIERRA CONSERVATION CENTER  
150 O'Bryens Ferry Rd  
Jamestown, CA 95327

SIERRA CONSERVATION CENTER  
CA STATE PRISON GENERATED MAIL



US POSTAGE  
ZIP 95327 \$ 003.16<sup>0</sup>  
02 4W  
0000353643 MAR 2022

MAR 22 2022

To: Office of the Attorney General  
ATTN: COLIN A. Shaff  
300 S. Spring Street, Suite 17  
Los Angeles, CA 90013

Legal Mail



# EXHIBIT D



Robert L. Sanford  
V-25176 Bed#55  
Growlersburg Conservation Camp#33  
5440 Longview Lane  
Georgetown, CA 95634  
In Propria Persona,

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

Robert L. Sanford  
Plaintiff,

v.

Gavin Newsom, et al.,  
Defendant,

Case No: BCV-21-100477-BCB

PLAINTIFF'S AMENDED COMPLAINT;  
MEMORANDUM OF POINTS AND AUTHORITIES  
1) EIGHTH AND FOURTEENTH AMENDMENT  
VIOLATION

Date: September 27, 2022

Time: 8:30 A.M.

Dept: Div. H

Judge: Bernard C. Barman

TRIAL BY JURY DEMANDED  
COMPLAINT FOR MONEY DAMAGES AND INJUNCTION RELIEF  
I. JURISDICTION

1. Plaintiff now brings this lawsuit pursuant to Cal. Const. Art. VI, §§ 10, 11, and Art. I § 16, Sec 395,

II. VENUE

2. Section 395, County in which the defendants reside. All defendants are responsible and liable for the injuries sustained in the County of Kern at the California Correctional Institution, where Plaintiff did reside when the injury occurred.

III. PARTIES

3. Plaintiff Robert L. Sanford, was at all times relevant to this action a prisoner that was incarcerated at the California Correctional Institution located

1 in Kern County.

2 4. Defendant Gavin Newsom was at all times relevant to this civil action  
3 as the governor of the State of California and was acting under the color of  
4 State and Federal law. He is responsible by constitution, statute, and by his  
5 own executive order to ensure the safety and well-being of incarcerated inmates  
6 including but not limited to Plaintiff here. He is sued in his personal  
7 capacity for damages, and his professional capacity for injunctive relief.

8 5. Defendant: Warden, Brian Cates was at all times relevant to this action under  
9 the color of State and Federal law. He is the custodian, having custody over  
10 Plaintiff, who is an incarcerated dependent adult, whereas, Plaintiff being  
11 dependent upon Defendant Warden, B. Cates for reasonable safety prevention of  
12 a known dangerous communicable disease now identified as Covid-19 and/or SARS  
13 CoV-2 virus and its variants, along with providing protection from infection  
14 and spreading within the housing unit dorms, and the CCI-E facility, by  
15 complying with and implementing Covid-19 safety protocols directed by the Calif-  
16 ornia Department of Corrections and Rehabilitation, the Center for Disease Con-  
17 trol (CDC), and the Receiver. Defendant Brian Cates is now being sued in his  
18 personal capacity for damages and equitable relief, and his professional  
19 capacity for injunctive relief.

20 6. Defendant: C. Schuyler, the Associate Warden at CCI, was at all times  
21 relevant to this action under the color of State and Federal law. He is the  
22 Associate Warden responsible for the custodian care, and having custody over  
23 Plaintiff who is an incarcerated dependent adult, where Plaintiff is dependent  
24 upon C. Schuyler for reasonable safety from a communicable disease such as  
25 Covid-19, along with protecting Plaintiff exposure to infection and the  
26 spreading of this deadly disease within the housing unit dorms at CCI-E facility  
27 where he was to comply with all laws and policies directed by California

1. Corrections and Rehabilitation, Center of Disease Control, the Receiver  
2 C. Schuyler is now sued in his personal capacity for damages and equitable  
3 relief, and in his professional capacity for injunctive relief.

4 IV. FACTUAL ALLEGATIONS

5 7. Now comes Robert L. Sanford, the Plaintiff in this civil action now submitting  
6 this amended complaint regarding the constitutional violations of prisoners  
7 Right to be free from certain conditions of his confinement that caused cruel  
8 and unusal punishment that violates the Eighth and Fourteenth Amendments.  
9 8. Plaintiff in his second amended complaint, submitted a declaration of the  
10 facts to this Court, describing the challenged conditions at the CCI-E-facility  
11 dorms that caused this Plaintiff injury the next, week, the next month or year.  
12 9. Regarding the fact that defendants/authorities at California Correctional  
13 Institution (CCI) even after notification of the known dangerous condition  
14 failed remedial action in regards to the safety prevention of a known dangerous  
15 disease now identified as Covid-19 and/or SARS CoV-2 virus.

16 10. Plaintiff Now Request This Court Take Judicial Notice of  
17 attached Declaration of Robert L. Sanford,  
18 where the facts of this declaration describe the facts that brought rise to this  
19 complaint, that caused Plaintiff on-going injury from this known dangerous  
20 condition that placed me in a high risk of danger with noted medical and pre-  
21 existing medical issues,

22 11. Whereas, the Constitution of the United States and California, warrants  
23 under the Eighth and Fourteenth Amendments, that prisoners have a clearly  
24 established right under the Eighth Amendment to be free from heightened ex-  
25 posure to a serious communicable disease.

26 12. The defendants listed herein this civil action complaint are liable for  
27 causing plaintiff cruel and unusual punishment that has now injured Plaintiff

1. the next week, the next month or year.

2 13. Where plaintiff is no longer able to smell or taste, constant headaches,  
3 joint and muscle pain, shortness of breath, coughing of blood, all contributed  
4 to the heightened exposure of the Covid-19 in the unsafe overcrowded dorms,  
5 with inadequate ventilation, absolutely no possible way to social distance  
6 with six feet, the dorms not being cleaned or disinfected certainly placed  
7 Plaintiff at heightened exposure to a serious disease at CCI, that has now  
8 greatly diminished Plaintiffs quality of life.

9 14. Plaintiff gave personal and verbal notice to Defendant C. Schyuler on  
10 July 5, 2020, in the Clark Hall low dorm (dayroom), where C. Schyuler confirmed  
11 he was touring the facility on behalf of Defendant Brian Cates, regarding  
12 the mass outbreak that was occurring in the dorms at CCI where they allowed  
13 for mass overcrowding of infected inmates mixed in with non-infected inmates  
14 were certain contributing factors that heightened the exposure of this serious  
15 disease that resulted in infecting Plaintiff on July 11, 2020, at CCI-E  
16 Facility dorm (Rex Deal Dorm) where Plaintiff was tested and found positive for  
17 Covid-19 on July 13, 2020, after reporting symptoms of no smell or taste.

18 15. As Stated in the original complaint and amended complaints, Plaintiff did  
19 outline the facts that Defendant C. Schyuler was a direct eyewitness to the  
20 unsafe dorm conditions in Clark Hall, whereas Plaintiff on July 5, 2020 did  
21 clearly notice him that Plaintiff was being deliberately exposed to a height-  
22 ened exposure of a known deadly disease and he only interated he was aware of  
23 the conditions and was there to see what could be done. See Plaintiff's Request  
24 For Judicial Notice of attached Declaration of Robert L. Sanford, outlining  
25 the details of the notice to C. Schyuler and B. Cates who he was there on  
26 behalf of. See Exhibit "A" (Supporting medical documents)

27 16. Therefore, giving Cates direct notice as to the known dangerous condition

1 That he continued to allow happening at CCI-E facility with failing to act  
2 to the known dangers that clearly existed in Dorms, Van Westen Up, Clark hall  
3 Upper and Lower dorms, Briggs hall dorm, Rex Deal Dorm, all dorms that plaintiff  
4 was housed in during the Covid-19 outbreak at this facility that put him at  
5 an unraesonable risk of heightened exoposure to this serious deally virus, that  
6 has caused inmates death, within several institutions in California including  
7 CCI.

8 17. Plaintiff was able to point out several facts to C. Schyuler regarding the  
9 obvious dangers that existed with the unsafe ultra-hazrdous condition of the  
10 extreme overcrowded dorms, including the fact Plaintiff arrived at CCI on  
11 June 18, 2020, and the outbreak at CCI occurred on June 20, 2020, whereas,  
12 Plaintiff was initially housed in Van Westen Upper, regarding Covid-19 for  
13 14 days, however, I was moved before the 14 day required protocol from Van  
14 Westen to the hot bed Covid-19 outbreak dorm on or about June 26, or 27, 2020.

15 18. This Plaintiff explained this fact to C. Schyuler on July 5, 2020, giving  
16 him direct notice that CCI was not following safety guidelines that could  
17 prevent Plaintiff from being exposed to a known airborne pathogen that is now  
18 being transmitted from person -to-person along with the fact Staff at this CCI  
19 facility were refusing to wear mask while its a known fact that these staff  
20 are the main vectors to transmitting and introducing this virus to the facility  
21 whereas, this is another contributing factor that caused plaintiff's injury.

22 19. Defendant C. Schuyler absolutely acknowledged that the condition was un-  
23 safe. On July 10, 2020, after moving mass amounts of inmates from Rex Deal  
24 earlier that day, the defendants then orderd CHL dorm to move into Rex Deal,  
25 before it was pre-cleaned and disinfected where defenadants ignored protols  
26 of this communicable disease, that resulted in Plaintiff being infected with  
27 being forced to a known contaminated dorm, with mass movement and mixing inmates



1 ~~that were~~ exposed with symptoms and refusing to test.

2 20. Defendant whom are the authorities at CCI who have an obligation to provide  
3 for those whom it is punishing by incarceration, an inmate must rely on prison  
4 authorities to treat his medical needs, and provide preventive measures to  
5 exposure of serious communicable disease; if the authorities fail to do so,  
6 those needs will not be met.

7 Furthermore, because defendadnts were deliberately indifferent to Plaintiff's  
8 needs as a inmate at CCI-E- facility, while aware that communicable disease was  
9 actively infecting inmates at an alarming rate during the months of June 2020,  
10 and October 2020, as Plaintiff was tested positive for Covid-19 two (2x) at CCI  
11 facility, that provided absolutely no possible social distancing of six feet.  
12 22. Defendants deliberate indifference / negligence, with protecting and providing  
13 reasonable safety- or intentionally interfering with the treatment prescribed  
14 Regardless of how evidenced, constitutes deliberate indifference to a prisoner's  
15 illness or injury states a cause to action.

16 23. It is certain that defendants in this action were aware of the executive order  
17 N-84-20 (2019 CAEO 84-20) issued in response to Covid-19 pandemic...(emphasis  
18 added) Whereas, the State of California recognizes this communacable disease  
19 virus, pursuant to California's official California Code of Regulations , Title  
20 8 Subdivision §3205 defining the following :

21 (1) Close Contact: means being within six feet of a Covid-19 case for a cumaul  
22 ative total of 15 minutes or greater in any 24 hour period within or overlapping  
23 with a high risk exposure period" Defined by this section, this definition  
24 applies regardless of the use of face coverings.

25 (4) Clearly identifies Covid-19 hazard: means potentially infectious material  
26 that may contain SARS-CoV-2, the virus that causes Covid-19. Potentially infec-  
27 tious materials include airborne droplets, small particle, aerosols, and air-

1 borne droplet nuclei, which most commonly results from a person-or-persons  
2 exhaling, talking, or vocalizing, coughing, or sneezing...

3 (5) Covid Symptoms: fever, chills, cough, shortness of breath, new loss of  
4 taste or smell, headaches, joint and muscle pain.

24. These facts listed above in accordance to 3205 of California Code of Regulations  
5 are all issues that injured Plaintiff the next, week, the next month or year.

25. Whereas, (1) gave defendants notice that due to the overcrowded dorms at CCI  
6 that there was no possible ability to create six feet of social distancing,  
7 was putting prisoners at an unreasonable risk of exposure to a deadly serious  
8 disease. The fact defenadnts failed to install partitions between bunks that  
9 could have prevented the spreading of Covid-19, because there was no possible  
10 way to social distance inmates in dorms with six feet at CCI-E Facility ,  
11 Where defendants Cates, Schuyler, and Newsom were surely aware of.

12 26. Defendants were aware of (4) Knowing the hazard of Covid-19, where they  
13 collectively were aware of the hazard of potentially infectious material that  
14 may contain SARS-CoV-2, knowing this communicable disease is airborne, where  
15 Cates failed to act and failed to train his staff at CCI regarding the hazard  
16 of cross contamination of soiled materials from infected inmates on July 10,  
17 2020, including the hazard of moving mass amounts of infected and non-infected  
18 inmates during a heightened exposure of this virus or outbreak.

19 27. The fact that Plaintiff now suffers injury: (5) Covid-19 Symptoms, that this  
20 State recognizes under 3205 (1),(4), (5), that are ongoing injury to Plaintiff  
21 the next, week, the next month or year. The defendants failed to comply with  
22 or adhere to protocols of the federal agency Center of Disease Control (CDC),  
23 Guidelines in Correctional and Detention Centers (4)outlining preventive measures  
24 to stop infection within the facility, including warning facilities that a  
25 Cleaning and Disinfection should have a plan in place that CCI failed to do  
26  
27

1 whereas, this failure to act to a known dangerous condition resulted in injuring  
2 plaintiff on July 10, 2020 (Plaintiff submitted supporting facts in both  
3 complaints, the the original and the first and second amended complaints)  
4 now requesting this Court take judicial notice of Declaration of Robert L.  
5 Sanford attached., Defendants also received orders from three panel Judges  
6 in Marciano Plata v. Gavin Newsom Case #01-1351 JST, regarding the dangers of  
7 dorms with overcrowded conditions, place inmates at a high risk of danger,  
8 the fact Plaintiff has pre-existing medical issues, places him at a even higher  
9 risk of contracting this deadly disease.

10 28. Defendants have caused the injury, and failed to prevent the spreading of  
11 this serious communicable disease to plaintiff, by failing to act, now  
12 constitutes a claim of cruel and unusual punishment under the Eighth and  
13 Fourteenth Amendments.

14 29. In accordance to Estelle v. Gamble, 429 U.S. 97, defendants/ authorities  
15 in this matter has a obligation to those they are punishing by incarceration  
16 where inmates must rely on prison authorities to protect their clearly establ-  
17 shed right under the Eighth Amendment to be free from heightened exposure to  
18 serious communicable disease. Authorities failed to do so , and Plaintiff is  
19 now suffering the unnecessary and wanton infliction of pain , the next, week,  
20 the next month or year. Defendants, Cates, Schuyler and Newsom are all direct  
21 authorities in the State of California at CCI-E- facility and were aware of the  
22 known dangerous conditions and failed to act, with preventing heightened exposure  
23 to a serious disease, including the fact defendants failed to enforce mask  
24 mandates upon staff at CCI, or implement installing "Partitions" between bunks  
25 that have 10 beds in a dorm or more where six feet of social distancing is not  
26 possible, defendants at this facility were certainly aware of this fact that  
27 no possible six feet was available, and they deliberately heightened plaintiff

1 exposure to a serious communicable disease (Covid-19), that resulted in causing  
 2 Plaintiff unnecessary and wanton infliction of pain and suffering the next  
 3 week, the next month or year. *See Exhibit "B" (CDC memorandum).*

4 30. The fact defendants deliberately avoided creating at least six feet of space  
 5 at CCI-E-facility where the inmates have less than 3 feet of living space  
 6 shared between (4) inmates occupying (per bed area). This is an unnecessary  
 7 heightened risk of spreading serious communicable disease, defendants failed to  
 8 act and abate this known dangerous condition, where they were aware prisoners  
 9 within CDCR Jurisdiction have a federal protected right pursuant to 18.U.S.C.  
 10 §3626 (a) (3) (B)(i). and the ACA standards of accreditation, to be free from  
 11 overcrowded detention and/or confinement, "Overcrowding creates unsafe and  
 12 unsanitary conditions that hamper effective medical and mental health care.  
 13 *Farmer v. Brennan*, 511 U.S. 825, 834 (1994).

14 31. Moreover, Plaintiff has exercised due diligence with giving notice to the  
 15 facts related to the violations caused upon him by defendants at every turn,  
 16 where Plaintiff was not only deliberately transmitted this known serious disease  
 17 at CCI; but he was infected twice, after July 13 detected test, on July 11,  
 18 2020, but approx. 90 days later Plaintiff was again tested positive for con-  
 19 tracting this communicable disease where he still suffers to this very day with  
 20 not being able to smell, taste, joint pain, headaches, coughing of blood, due  
 21 to the reckless deliberate disregard of defendants failing to act, now  
 22 constitutes a cruel and unusual punishment, where now this plaintiff has a  
 23 clearly established right under the Eighth Amendment to be free from heightened  
 24 exposure to a serious communicable disease.

25 The fact Plaintiff now suffers an injury where medical professionals deem  
 26 that effects of infection from Covid-19 also called "Long Haulers Effect"  
 27 contributes to long lasting injury including memory loss, whereas this has

1 ongoing injury that has not only physically diminished Plaintiff's quality  
2 of life, but also his mental capacity to now remember short term memory  
3 loss has now caused Plaintiff significant damage to his future plans in  
4 earning a living that depends on memory recall for business purpose.

5 33. Plaintiff prior to being infected with this communicable disease, had  
6 rehabilitated himself, with earning a business degree certificate through  
7 extensive Rehabilitative programming administered by CDCR. This opportunity  
8 for rehabilitation is now jeopardized do to the memory loss I now suffer,  
9 from the Long haulers effect from the Covid-19 virus, along with the on going  
10 physical injury of headaches, shortness of breath, joint pain, lack of smell  
11 and taste including the coughing of blood: See Exhibit "C".

12 34. Now that I have to suffer the effects of this disease, due to the fact  
13 defendants listed herein, failed to act to prevent heightened exposure to a  
14 serious communicable disease. The long term injury certainly caused by the  
15 failure to act by defendants clearly raises the question regarding the fact  
16 that Plaintiff was absolutely reliant upon defendants to provide prevntive  
17 safety measures that were at their disposal to protect inmates in the high  
18 risk dorm conditions that did not have any possible way of social distancing  
19 of six feet, inadequate ventilation, no disinfection during or prior to housing  
20 Plaintiff in contaminated dorm, where cross contamination heightened exposure  
21 to this serious communicable disease, defendants failed to act with placing  
22 partitions between bunks that could have prevented the spreading of Covid-19  
23 at CCI-E-facilty, their failure to implement mandated mask wearing of staff  
24 certainly contributed to the infections plaintiff contracted on July 10, 2020,  
25 and October 2, 2020, along with defendants issuing orders to have plaintiff and  
26 approx 100+ inmates that were infected, and mixing inmates contributed to the  
27 long term injury that now injures this Plaintiff mentally and physically.



1 35. The facts stated herein this complaint are true and correct under the  
2 penalty of perjury.

3 //

11 //

CAUSE OF ACTION

1 ~~§§. Plaintiff~~

2 36. Plaintiff now brings this cause of action based upon the facts, Defendants  
3 B. Cates, C. Schyuler, G. Newsom are now liable for the fact they violated  
4 United States Constitution, California Constitution Article. VI, §§10, 11;  
5 and Article I, § 16, 17, Sec 395

6 37. Whereas, Defendants in this amended complaint failed to act and prevent  
7 a heightened exposure to a serious communicable disease Covid-19, that resulted  
8 with Plaintiff now suffering ongoing injury the next, week, the next month or  
9 year

10 38. For the fact plaintiff although being an incarcerated dependent adult in  
11 the custodial care of named defendants Cates, Schyuler, Newsom, does not excuse  
12 or prisoners right to be free from certain conditions of his confinement that  
13 causes or can cause him cruel and unusual punishment that violates the Eighth  
14 and Fourteenth Amendments.

15 39. The fact Plaintiff has a constitutional right under the Eighth and Fourteenth  
16 Amendments not to be placed in a high risk of danger with heightened exposure  
17 to a communicable disease such as Covid-19 that has caused serious injury  
18 including death to prisoners in the custody of defendants.

19 39. Defendants failed to take protective measures , by failing to adhere to  
20 a known dangerous condition that heightened the exposure of this deadly virus  
21 that caused Plaintiff bodily injury and possible imminent death, constitutes  
22 a violation of the United States Constitution Eighth Amendment; and Fourteenth  
23 Amendment, and Fourteenth Amendment, and the Cal. Const. Art. I, § 17

24 " Excessive bail shall not be required, nor excessive fines, nor cruel and  
25 unusual punishments inflicted." Ratified Dec 15, 1791

26 40. Where defendants failure to act amounted to deliberate indifference  
27 claim in this amended civil complaint See: Wise v. Lappin,

1 674 F. 3d 939, 941-42 (8th Cir. 2012) The deliberate indifference  
2 standard can be met based upon the facts, defendants failed to comply with  
3 Covid-19 protocols that could have prevented the spreading throughout the  
4 facility of this deadly communicable disease that caused Plaintiff unwanted  
5 infliction of pain and suffering, the next, week, the next month or year.

6 41. Eighth Amendment violations for prisoners can be established when exposure  
7 to a sufficiently known serious communicable disease, whereas, defendant[s]  
8 were clearly aware of the known risk of the heightened exposure that actually  
9 exposed Plaintiff to infection of the serious communicable disease (Covid-19)  
10 despite the notice, warnings, executive orders, defendants ignored the required  
11 policies of the known dangerous conditions of the overcrowded dorms that had  
12 no possible way of creating social distance of six feet at CCI-E facility,  
13 whereas, defendants named in this action approved moves with mixing exposed  
14 inmates, to cross-contaminate, in the dorms, the dining areas, and the sick  
15 call areas where all inmates from other dorms shared the same water faucet  
16 touching the same rails and benches that had no disinfecting was actual causes  
17 to plaintiff's injury with being infected on July 10, 2020, and October 2, 2020.

18 42. The defendants insisted on reckless behavior by not adhering to policies  
19 that were being implemented by CDC, CDCR, The Three Judge Court case management  
20 findings or any other agency that issued governmental policies to prevent the  
21 spreading of the deadly virus within detention centers and prisons. Defendants  
22 failed to train at the CCI-E-Facility Covid-19 Prevention practices that  
23 could have prevented Plaintiff from suffering injury, the next, week, the next  
24 month or year.

25 43. Their failing to train with required protocols with pre-cleaning and disinfecting  
26 of dorms, failing to train regarding the dangers of moving mass amounts of  
27 inmates within the facility during a Covid 19 outbreak (epidemic) that was

1 infecting inmates at an alarming rate, to the point inmates were falling out  
2 and being emergency evacuated by ambulance due to Covid symptoms.

3 44. Plaintiff in CCI had been improperly quarantined on or about 06/18/2020  
4 to 06/27/2020 On or about, where Plaintiff was required by policy and CDC  
5 procedure to be quarantined atleast 14 days, before being mixed in with the  
6 population, this was not the case at CCI-E Facility. The defendants at the  
7 CCI\_E Facility were aware that this was a dangerous enviornment, and its sataff  
8 employees had failed in its responsibilities to comply with laws, rules,  
9 of the State of California and the United States, Defendant[s] listed in this  
10 complaint have a duty to follow executive orders also by Defendants:

11 Gavin Newsom, Ralph M. Diaz, kathleen Allison, Connie Gipson, The federal  
12 Receiver appointed over CDCR, The Panel Judges, and to follow the Presidential  
13 Order of Donald J. Trump. Instead CCI refused to enforce safety procedures  
14 regarding Covid-19, and thereby, was grossly negligent withn deliberate in-  
15 difference to its duty, obligations, and responsibility to maintain a safe  
16 functioning institution during this Global pandemic.

17 45/ For the reasons stated herein, this cause of action regarding the facts  
18 Defendants failed to act to a known dangerous condition, that exposed Plaintiff  
19 to a deadly communicable disease that now has injured Plaintiff the next, week,  
20 the next month or year. Now constitutes a cause to action under the Eighth and  
21 Fourteenth Amendments, for cruel and unusual punishment, where Plaintiff has  
22 a constitutional right to be free from unwanton fliction of pain and suffering,  
23 due to a heigtend exposure to a communacble disease, that was contributed to  
24 defendants failure to act to the knon dangerous condition of the dorms at  
25 CCI-E- facility that caused Plaintiff injury.

MEMORANDUM OF POINTS AND AUTHORITIES

1  
2 46. Here in this amended complaint regarding Plaintiff's Eighth and Fourteenth  
3 amendments being violated, whereas, Defendant's knew or should have known  
4 that Plaintiff was and is diagnosed with pre-existing medical issues, asthma,  
5 alpha thalasemia, anemia, the deliberate indifference regarding Plaintiff's  
6 pre-existing medical condition[s] that placed him at a higher risk of contract-  
7 ing the Covid-19 virus raises the question under the Eighth Amendment as to  
8 whether prison officials, acting with deliberate indifference, exposed a  
9 prisoner to a sufficiently substantial "risk of serious damage to his future  
10 health" Farmer v. Brennan 511 U.S. 825, 114 S.Ct.1970.  
11 47. The reckless disregard of defendants failing to ~~act~~ to a known dangerous  
12 communicable disease that placed Plaintiff in a heightened exposure to the  
13 deadly known disease that has now injured Plaintiff due to the defendants  
14 failure to act and prevent injury to Plaintiff in the unsafe dorms at CCI-  
15 E-Facility caused Plaintiff cruel and unusual punishment see Estelle v, Gumble  
16 429.U.S. at 103-104 "Where the infliction of unmanly pain and suffering  
17 constitutes a violation of the Eighth Amendment"  
18 48. Plaintiff was infected on two different occasions at CCI on or about July  
19 10, 2020, and again on or about October 2nd, 2020, where Plaintiff now suffers  
20 "Long Haulers Effect" from his infection from the Covid -19 virus, where I  
21 now have on going medical complications with lack of ability to smell or  
22 taste, constant joint pain, shortness of breath, headaches, and memory loss,  
23 the unsanitized dorms at CCI certainly contributed to the exposure of the  
24 known deadly disease that has now caused Plaintiff injury, the next, week,  
25 the next month or year.  
26 50. The Defendants Cates, Schyuler and Newsom. were aware or should have been  
27 aware that cross contaminated areas, could contribute to the spreading of



1 OF Covid-19 at CCI-E-facility , whereas, defendants failed to comply with  
2 CDC Guidelines for Detention Centers and prisons, their failure to provide  
3 adequate non-disinfection protocols, contributed to Plaintiff's exposure  
4 to the communicable disease, within the over-crowded dorms , that have no  
5 possible way to social distance inmates at CCI, as Plaintiff outlined facts  
6 in the amended complaint pointing out how defendants refused to comply with  
7 required protocols that when there is no possible way to social distance  
8 with six feet, and there are more than ten (10) beds in a room "partitions"  
9 are to be placed between the bunk beds in the dorms, the defendants failed  
10 to comply with this policy that was implemented to prevent the spreading  
11 of this deadly communicable disease.

12 51. The fact defendants also authorized or allowed to be authorized mass  
13 movements of inmates that were mixed in with inmates infected and not testing  
14 for covid at the CCI-E- facility, where this heightened Plaintiff's  
15 exposure to this disease that now caused Plaintiff pain and suffering the  
16 next, week, the next month or year.

17 //

20 /

25 /

CONCLUSION

Plaintiff has now submitted suffiecient facts in support of the civil complaint now showing this Court that defendants mentioned herein, have violated Plaintiff's Eighth Amendment rights to be free from cruel and unusual punishment that has injured Plaintiff the next week, the next month or year.

July 16, 2020

Respectfully Submitted

Robert L. Sanford

PROOF OF SERVICE

(Cal. Rules of Court , Rules 1.218.50.)

I, Robert L. Sanford, declare that I am over the age of 18 years of age and the Party Plaintiff in this Civil Tort Action Claim, at all times; I am a inmate prisoner in the California Conservation Camp #33 Growlersburg, in the County of Eldorado, in the city of Georgetown, California 93581, where the mailing occurs; and Plaintiff's address is: 5440 Longview Lane, Georgetown, CA 95634

I, further declare That I am readily familiar with the business practices for collection and processing of correspondences for mailing with the United States Postal service; this same day in the ordinary course of business,

On this 16th day of July 2022. I the Plaintiff in the above mentioned complaint caused to be served the following document[s] ; Amended Complaint; Memorandum of Points and Authorities of Eighth Amendment Violation. in a civil tort action by placing a true copy of each document; in a separate envelope addressed respectfully as follows;

Office of the Attorney General for The State of California. Colin Shaff  
800 S. Spring Street, suite 1702, Los Angeles, CA 90013

I decalre under the penalty of perjury under the laws of the United States Constitution and the State of California Constitution that the foregoing is true and correct to the best of my knowledge. Executed on this 16th day of this July 2022.

Robert L. Sanford

Exhibit "A"

Exhibit "B"

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Virology Results

#### Result Comments

f17: SARS CoV 2 RNA (COVID19)  
 Additional information about COVID-19 can be found  
 at the Quest Diagnostics website:  
[www.QuestDiagnostics.com/Covid19](http://www.QuestDiagnostics.com/Covid19).  
 Lab test performed by:  
 Lab Mnemonic: 05D0642827  
 QUEST DIAGNOSTICS-WEST HILLS  
 8401 FALLBROOK AVENUE  
 WEST HILLS, CA 91304-3226  
 TAB TOOCHINDA

Specimen Type	Accession Number	Collected Date/Time	Ordering Provider	Received Date/Time	
Nasopharyngeal Swab	20-195-03518	7/13/2020 05:00 PDT	Kongara, Nanditha P&S	7/14/2020 22:57 PDT	
Procedure	Result	Units	Reference Range	Verified Date/Time	Verified By
SARS CoV 2 RNA (COVID19)	DETECTED @ f18		[NOT DETECTED]	7/15/2020 18:08 PDT	QUEST CONTRIBUTOR_SYSTEM

#### Result Comments

f18: SARS CoV 2 RNA (COVID19)

A Detected result is considered a positive test result for COVID-19. This indicates that RNA from SARS-CoV-2 (formerly 2019-nCoV) was detected, and the patient is infected with the virus and presumed to be contagious. If requested by public health authority, specimen will be sent for additional testing.

Please review the "Fact Sheets" and FDA authorized labeling available for health care providers and patients using the following websites:  
<https://www.questdiagnostics.com/home/Covid-19/HCP/QuestIVD/fact-sheet.html>  
<https://www.questdiagnostics.com/home/Covid-19/Patients/QuestIVD/fact-sheet.html>

This test has been authorized by the FDA under an Emergency Use Authorization (EUA) for use by authorized laboratories.

Due to the current public health emergency, Quest

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, I=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.



Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

Any Recent Changes to Medication : No  
 Compliance with the Medication/Treatment : Yes  
 Medications Taken Today : Yes  
 Medication Compliance : Medications (4) Active  
 Scheduled: (3)  
 +1-montelukast 10 mg Tab 10 mg 1 tab, Oral, qPM-KOP  
 +mometasone 100 mcg/inh Aerosol 120 puffs 100 mcg 1 puff, Oral, BID-KOP60  
 hepatitis A-B vaccine (Twinrix) 1 mL Susp-Inj syringe (0815-52) 1 mL, IM, Once  
 Continuous: (0)  
 PRN: (1)  
 +levalbuterol 45 mcg/puff Aerosol 15 gm 45 mcg 1 puff, Oral, q6hr-KOP90

Chisum, Geneva RN - 12/8/2020 11:29 PST  
 (As Of: 12/8/2020 13:08:31 PST)

#### Allergies (Active)

No Known Allergies

Estimated Onset Date: Unspecified ; Created By: Manglicmot,  
 Lina RN; Reaction Status: Active ; Category: Drug ;  
 Substance: No Known Allergies ; Type: Allergy ; Updated By:  
 Manglicmot, Lina RN; Reviewed Date: 12/8/2020 11:33 PST

#### HEENT

##### HEENT Nose Grid

Left Nostril Signs/Symptoms :	Loss of smell (Comment: POSITIVE FOR COVID 19 6/20 AND 10/2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
Right Nostril Signs/Symptoms :	Loss of smell
Comment	(Comment: POSITIVE FOR COVID 19 IN JUNE 2020 AND OCT 2020 [Chisum, Geneva RN - 12/8/2020 11:29 PST] )
	Chisum, Geneva RN - 12/8/2020 11:29 PST

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**

DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male

CDCR: V25176

### Assessment Forms

#### Patient Encounter Information

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963, FIN:

10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Chisum, Geneva RN - 10/29/2020 12:20 PDT

#### Subjective

Arrival to Clinic : 10/29/2020 11:33 PDT

Mode of Arrival : Ambulatory

Appointment Type : Follow-Up

Chisum, Geneva RN - 10/29/2020 12:20 PDT

#### 7362 Symptom Grid

Chief Complaint :	" I have not gotten 100% of my smell or taste back from testing positive x2 for Covid 19".
Situation of Onset :	Started in July 2020, first time tested + for Covid 19.
Complaint Frequency :	Recurrent (Comment: Has had little to none sense of smell and taste. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )
Chief Complaint Onset :	10/28/2020 06:30 PDT
Comment	(Comment: Pt indeed tested positive for Covid 19--PT IS ANEMIC. [Chisum, Geneva RN - 10/29/2020 12:20 PDT] )

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, I=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

Immunization due Code: ICD-10-CM ; Probability: 0 ; Diagnosis Code: Z00.00  
 Date: 11/3/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Immunization due ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: Z23  
 Loss of smell Date: 12/8/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Loss of smell ; Classification:  
 Nursing ; Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R43.0  
 Nocturia Date: 9/9/2020 ; Diagnosis Type: Discharge ; Confirmation:  
 Confirmed ; Clinical Dx: Nocturia ; Classification: Medical ;  
 Clinical Service: Non-Specified ; Code: ICD-10-CM ;  
 Probability: 0 ; Diagnosis Code: R35.1

#### Assessment

##### FTF-Nursing Diagnosis Grid

NANDA Nursing Diagnosis :	Deficient Knowledge
Related To :	"I still can't smell anything after 2 months"
As Evidenced By :	2 positive Covid 19 results in 5 months
	Chisum, Geneva RN - 12/8/2020 13:05 PST

#### Plan

Patient Presentation: : Consistent with nursing protocol powerplans

Chisum, Geneva RN - 12/8/2020 13:05 PST

#### Follow-up/Disposition

Follow-up Required : No

Disposition To: : Return to housing

Mode of Disposition Via: : Ambulatory

Release to Custody: Yes

Released Time : 12/8/2020 10:30 PST

Chisum, Geneva RN - 12/8/2020 13:05 PST

Nursing Face-to-Face / 7362 Entered On: 10/29/2020 12:40 PDT

Performed On: 10/29/2020 12:20 PDT by Chisum, Geneva RN

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
 DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

; Comments:

Loss of taste (SNOMED CT  
:61644018 )

10/29/2020 12:36 - Chisum, Geneva RN  
 PT TESTED + X 2 SINCE JULY 2020 FOR COVID 19. PT  
 STATES ONLY S/S IS LOSS OF SMELL AND TASTE.  
*Name of Problem:* Loss of taste ; *Recorder:* Chisum, Geneva  
 RN; *Confirmation:* Confirmed ; *Classification:* Nursing ; *Code:*  
 61644018 ; *Contributor System:* PowerChart ; *Last Updated:*  
 10/29/2020 12:37 PDT ; *Life Cycle Date:* 10/29/20 ; *Life Cycle*  
*Status:* Active ; *Vocabulary:* SNOMED CT  
 ; Comments:

Mod-severe rt knee (medial)  
 Posttraumatic arthropathy  
 (SNOMED CT  
:1231813011 )

10/29/2020 12:37 - Chisum, Geneva RN  
 PT TESTED + X2 FOR COVID 19 SINCE JULY 2020. PT  
 STATES ONLY S/S OF COVID IS LOSS OF TASTE AND  
 SMELL.  
*Name of Problem:* Mod-severe rt knee (medial) Posttraumatic  
 arthropathy ; *Recorder:* Javate, Rosana P&S; *Confirmation:*  
 Confirmed ; *Classification:* Medical ; *Code:* 1231813011 ;  
*Contributor System:* PowerChart ; *Last Updated:* 4/4/2017  
 12:09 PDT ; *Life Cycle Status:* Active ; *Responsible Provider:*  
 Javate, Rosana P&S; *Vocabulary:* SNOMED CT

Periodontitis (SNOMED CT  
:69332012 )

*Name of Problem:* Periodontitis ; *Recorder:* Javate, Rosana  
 P&S; *Confirmation:* Confirmed ; *Classification:* Dental ; *Code:*  
 69332012 ; *Contributor System:* PowerChart ; *Last Updated:*  
 5/24/2017 09:24 PDT ; *Life Cycle Status:* Active ; *Responsible*  
*Provider:* Javate, Rosana P&S; *Vocabulary:* SNOMED CT

Pre DM (SNOMED CT  
:259356011 )

*Name of Problem:* Pre DM ; *Recorder:* Javate, Rosana P&S;  
*Confirmation:* Confirmed ; *Classification:* Medical ; *Code:*  
 259356011 ; *Contributor System:* PowerChart ; *Last Updated:*  
 4/4/2017 12:09 PDT ; *Life Cycle Status:* Active ; *Responsible*  
*Provider:* Javate, Rosana P&S; *Vocabulary:* SNOMED CT

Refractive error (SNOMED CT  
:1229482013 )

*Name of Problem:* Refractive error ; *Recorder:* Javate,  
 Rosana P&S; *Confirmation:* Confirmed ; *Classification:*  
 Medical ; *Code:* 1229482013 ; *Contributor System:*  
 PowerChart ; *Last Updated:* 5/24/2017 09:24 PDT ; *Life Cycle*  
*Status:* Active ; *Responsible Provider:* Javate, Rosana P&S;  
*Vocabulary:* SNOMED CT

#### Diagnoses(Active)

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Therapeutic Notes

#### Group Comments

Completed COVID-19 Quarantine rounds. No unexplained, new, or worsening cough or shortness of breath reported or noted. No temperature >100F noted.

#### Individual Details For: **SANFORD, ROBERT LIONEL**

AGE: 56 Years

DOB: 11/29/1963

MRN: V25176

Diagnosis:

Participation:

Problem:

Affect:

Goal Addressed:

Behavior:

Goal Status:

Mood:

Individual Duration: 0 Minutes

Attendance: Full session attendance

Start Time: 10-Jul-2020 22:44

End Time: 10-Jul-2020 22:44

#### Individual Comments

Document Type:	Therapeutic/Intervention Note
Document Subject:	Therapeutic Intervention/Group Progress Note
Service Date/Time:	7/9/2020 10:38 PDT
Result Status:	Auth (Verified)
Perform Information:	DeLuna,Rachel LVN (7/9/2020 10:38 PDT)
Sign Information:	DeLuna,Rachel LVN (7/9/2020 10:38 PDT)
Authentication Information:	

#### Therapeutic Intervention/Group Progress Note

Therapy Name: NSG COVID-19 Quarantine Rounding

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.



STATE OF CALIFORNIA  
**REFUSAL OF EXAMINATION AND/OR TREATMENT**  
 CDCR 7225 (Rev. 03/19)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

PAGE 1 OF 1

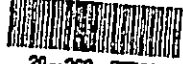
REFUSAL OF EXAMINATION AND / OR TREATMENT		
PATIENT NAME (TYPE OR PRINT CLEARLY)	CDCR NUMBER	INSTITUTION
Sanford, Robert	V25176	CCT

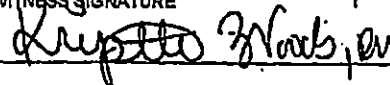
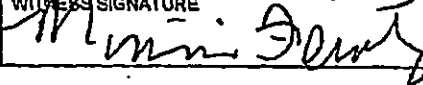
Having been fully informed of the risks and possible consequences involved in refusal of the examination and/or treatment in the manner and time prescribed for me, I nevertheless refuse to accept such examination and/or treatment. I agree to hold the Department of Corrections and Rehabilitation, the staff of the medical department and the institution free of any responsibility for injury or complications that may result from my refusal of this examination and/or treatment, specifically:

Describe the examination and/or treatment refused as well as the risks and benefit of the intervention:

REFUSED COVID-19 SWAB

Detained 7/13/2020

V25176  
 SANFORD, ROBERT LIONEL AS/MT  
 CCI E CHU 2 003 - 000148  
  
 1532 P20 0503  
 25NOV20  
 20-262-5778A  
 COVID19-794  
 1.00EA VCM  
 Quest Diag  
 9/18/2020

PATIENT SIGNATURE		DATE	<input checked="" type="checkbox"/> PATIENT REFUSES TO SIGN	DATE
		9/18/2020		9/18/20
<b>WITNESS</b>				
NAME OF WITNESS (PRINT/TYPE)		NAME OF WITNESS (PRINT/TYPE)		
Kynette Woods, RN		M. J. Hernandez, CNA		
WITNESS SIGNATURE		DATE	WITNESS SIGNATURE	
		9/18/2020		

1. Disability Code:  
☐ TAGE SCORE ☐ 5 ☐ 4 ☐ LD  
☐ DPH ☐ DPV  
☐ DNS ☐ DNB  
☐ DNS ☐ DDP  
☒ NOT APPLICABLE
2. Accommodation:  
☒ Additional Time  
☐ Equipment ☐ SLL  
☐ Lender ☒ Shower  
☒ Basic ☐ Transcribe  
☐ Other
3. Effective Communication:  
☒ P/T Asked Questions  
☒ P/T Summoned Information  
 Please check one:  
☐ Not Reached ☒ Reached  
 \*See chrono/notes
4. Comments:

CDCR #: V25176  
 Last Name: Sanford  
 First Name: Robert  
 DOB: 11/29/63  
 MI:

Unauthorized collection, creation, use, disclosure, modification or destruction of personally identifiable information and/or protected health information may subject individuals to civil liability under applicable federal and state law.


**CALIFORNIA CORRECTIONAL  
HEALTH CARE SERVICES**

 24900 Highway 202  
Tehachapi, CA 93581-

**Patient:** SANFORD, ROBERT LIONEL  
**DOB/Age/Sex:** 11/29/1963 57 years Male  
**Encounter Date:** 6/18/2020  
**Attending:**

**CDCR #:** V25176  
**PID #:** 11126329  
**Referring:**

**Mental Health - Nursing**

No data exists for this section

**Mental Health Documentation**

Document Type:	MHMD Progress Note
Document Subject:	Free Text Note
Service Date/Time:	6/20/2020 16:26 PDT
Result Status:	Auth (Verified)
Perform Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Sign Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)
Authentication Information:	Moustafa,Rocio Psychiatrist (6/20/2020 16:27 PDT)

MHMD notes:

New arrival. GP LOC.

 R. MOUSTAFA, MD  
Covering Psychiatrist

**Encounter Info:** Patient Name: ROBERT SANFORD, DOB: 11/29/1963, CDCR: V25176, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Document Type:	MHPC Consult Routine Progress Note
Document Subject:	7362
Service Date/Time:	7/17/2020 20:42 PDT
Result Status:	Auth (Verified)
Perform Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Sign Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)
Authentication Information:	Montes, Valerie Social Worker (7/17/2020 20:53 PDT)

**Inmate's Program and Level of Care**  
 GP, E YARD, CHL, LEVEL 1

**New Issues/Complaints**

IP was seen in housing unit in dayroom, per COVID-19 regulations IP is currently under isolation. IP was seen for a 7362 he submitted. IP reported having anxiety due to COVID-19. IP was since moved to isolation building. IP shared his concerns about "staying healthy." IP reported begin upset as he reported he was tested for COVID-19 3 times at previous institution and was negative. He tested positive for COVID-19 at CCI. IP

**Active Consult Orders**

MHPC Consult Routine - Completed  
 - 07/17/20 13:00:00 PDT, 07/14/20 11:26:00  
 PDT, IP requests to see PC, 7 days, Schedule  
 once within 5 business days, 07/11/20,  
 07/21/20 23:59:00 PDT

**Subjective/History of Present Illness**  
 N/A

Report Request ID: 42500485

Print Date/Time: 6/7/2021 12:12 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged  
 information intended for the recipient only.

Patient: **SANFORD, ROBERT LIONEL**  
DOB/Age/Birth Gender: 11/29/1963 / 57 years / Male CDCR: V25176

### Assessment Forms

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963,, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

#### COVID-19 Isolation Surveillance Rounding

Patient Refused Vital Signs : No  
Temperature Route : Temporal  
Temperature Temporal : 36.4 DegC (Converted to: 97.5 DegF)  
Peripheral Pulse Rate : 68 bpm  
Respiratory Rate : 17 br/min  
Systolic/Diastolic BP : 135 mmHg  
Systolic/Diastolic BP : 81 mmHg  
Mean Arterial Pressure, Cuff : 99 mmHg  
SpO2 : 98 %  
SpO2 Location : Right hand  
O2 Therapy : Room air  
Pain Present : No actual or suspected pain  
Complications of COVID-19 : Other: decreased sense of smell

Shinko, Cynthia SRN - 10/18/2020 11:36 PDT

COVID-19 Isolation Surveillance Rounding Entered On: 10/17/2020 15:27 PDT  
Performed On: 10/17/2020 15:25 PDT by Self, Cherie RN

#### Patient Encounter Information

ENCTR Information : Encounter Info: Patient Name: ROBERT SANFORD, DOB: 11/29/1963,, FIN: 10000000311126329V25176, Facility: CCI, Encounter Type: Institutional Encounter

Self, Cherie RN - 10/17/2020 15:25 PDT

#### COVID-19 Isolation Surveillance Rounding

Patient Refused Vital Signs : No  
Temperature Route : Temporal  
Temperature Temporal : 36.5 DegC (Converted to: 97.7 DegF)  
Peripheral Pulse Rate : 91 bpm  
Systolic/Diastolic BP : 128 mmHg  
Systolic/Diastolic BP : 90 mmHg  
Mean Arterial Pressure, Cuff : 103 mmHg  
SpO2 : 97 %  
SpO2 Location : Right hand  
O2 Therapy : Room air  
Pain Present : No actual or suspected pain  
Are previously documented symptoms worsening : No

Legend: c=Corrected, @=Abnormal, C=Critical, L=Low, H=High, f=Result Comment, i=Interp Data, \*=Performing Lab

Report Request ID: 42502998

Print Date/Time: 6/7/2021 12:46 PDT

**WARNING:** This report contains confidential, proprietary, and/or legally privileged information intended for the recipient only.

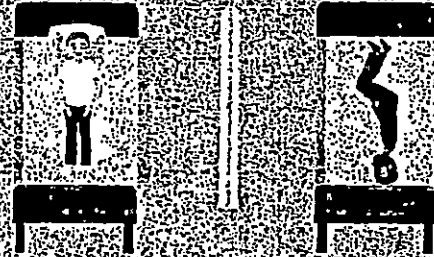
Exhibit B

Exhibit "B".

## Placement When Positioning Beds 6 feet or more is NOT Possible:

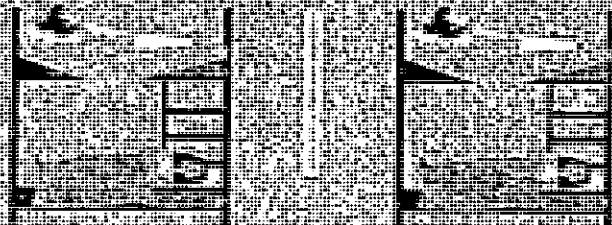
### For single beds:

- Ensure the person's laying position is head to toe.



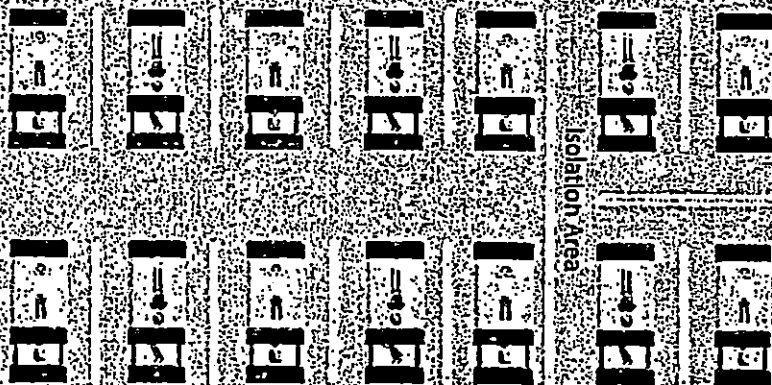
### For bunkbeds:

- Ensure the person's laying position is head to toe on each separate bunk bed, including positioned head to toe on adjacent bunks.



### For rooms with more than 10 beds:

- Include partitions to separate beds to the fullest extent possible.



## IMPORTANT!

Please continue to exercise preventative measures to protect staff and inmates alike. Avoid close contact by maintaining social distancing, of at least six feet, and avoiding close contact. Cover your nose and mouth when coughing and sneezing along with consistent hand washing as it is one of the most effective ways to prevent the spread of germs. Avoid touching your eyes, nose, or mouth, and practice good health habits.





EXHIBIT *W. C.*

EXHIBIT "2"

# DEFY

December 11, 2018

Re: Mr. Robert Sanford, Correctional Training Facility – Inmate #V25176

Dear Parole Board Members:

We hope you find this letter helpful in answering an important question: *Is Mr. Sanford ready to reenter society and function as a law-abiding citizen?* We are proud to report that Mr. Sanford has successfully completed Defy Ventures' rigorous reentry preparation program, CEO of Your New Life ("CEO YNL").

Through CEO YNL, Mr. Sanford built employment readiness skills, engaged in character development and personal wellness introspection, planned for viable reentry, and learned fundamental entrepreneurial concepts. CEO YNL training, used nationally in prisons, specifically addresses criminal thinking errors such as lack of effort and responsibility through courses such as "Developing a Career Plan" and "Self-Limiting Beliefs," and combats closed channel thinking by building in repeated opportunities for feedback and revision. Notably, Mr. Sanford developed a resume, learned how to write a cover letter, and engaged with our diverse and influential group of regular volunteers in preparation for re-entering society and the workforce.

By taking the initiative to participate in Defy Ventures' CEO YNL program, Mr. Sanford will establish his credibility with potential employers and be supported in successful reentry. Defy's curriculum includes 100 courses taught by some of the country's leading experts.

Mr. Sanford is invited to apply to Defy Ventures' post-release program, which will provide:

- Strong accountability through continued online training and assignments
- Connection to pro-social activities
- Employment assistance and job placement
- Executive mentoring and coaching from business professionals, invitations to events, and a dedicated support network

We stand proudly behind the accomplishments of our participants. Defy's post-release recidivism rate of less than 5% demonstrates that our participants are committed to pursuing brighter futures and equipped with the tools to do so. We have high expectations for Mr. Sanford's success. Not everyone has the perseverance, discipline, and courage to engage in the deep self-reflection required to participate in CEO of Your New Life and continue to engage upon release. We know these traits will serve Mr. Sanford well.

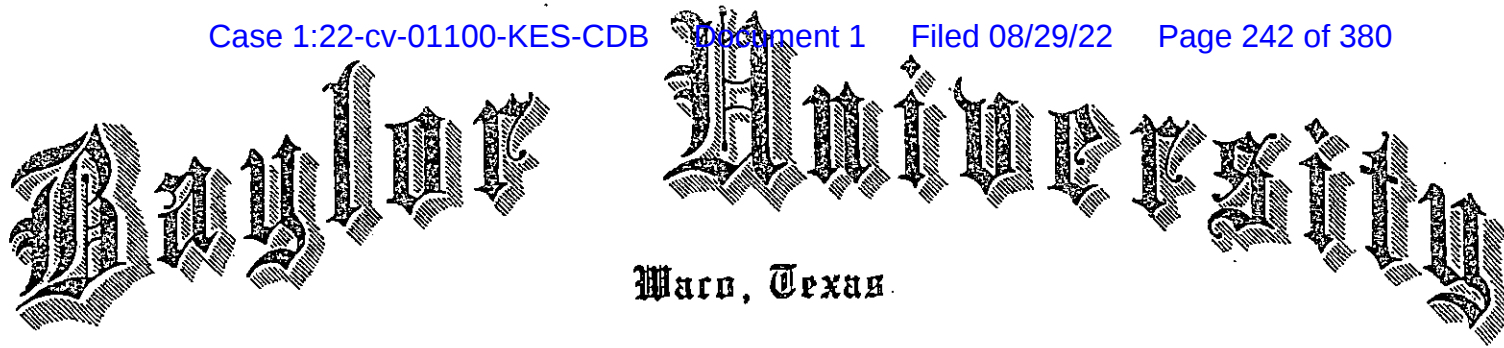
We look forward to continuing Mr. Sanford's training and support. Defy Ventures will be there with encouragement and actionable advice from staff members and our post-release community of Executive Mentors whenever it is needed.

Thank you very much for your consideration. Please contact me directly with questions.

Sincerely,



Carrie Simon  
Executive Director, Defy of Northern California



# Hankamer School of Business

## Certificate in Career Readiness

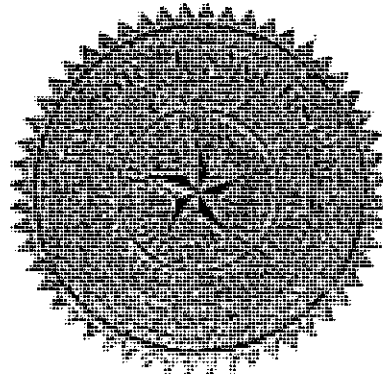
Presented to

**Robert Sanford**

This First Day of October in the year  
Two Thousand Eighteen

A handwritten signature in black ink, appearing to read "Tim Kayworth".

*Timothy R. Kayworth, PhD. Associate Dean*



A handwritten signature in black ink, appearing to read "Andrew Glazier".

*Andrew Glazier, President & CEO, Defy Ventures*

**DEFY**  
OUR ABILITY. OUR FUTURE.

UPON THE RECOMMENDATION OF THE STAFF AND BY AUTHORITY OF THE  
GOVERNING BOARD, THIS

**CERTIFICATE OF COMPLETION**

IS CONFERRED UPON

**ROBERT SANFORD**

FOR SATISFACTORILY COMPLETING THE REQUIREMENTS AS PRESCRIBED FOR  
INTRO TRAINING OF THE CEO OF YOUR NEW LIFE PROGRAM FROM DEFY VENTURES  
AND AWARDED WITH ALL THE RIGHTS AND PRIVILEGES PERTAINING THERETO.

13<sup>TH</sup> OF SEPTEMBER, TWO THOUSAND AND EIGHTEEN



Carrie Simon  
Executive Director, Northern California

# DEFY

UPON THE RECOMMENDATION OF THE STAFF AND BY AUTHORITY OF THE  
GOVERNING BOARD, THIS

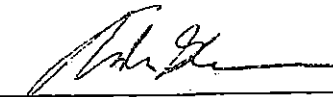
## CERTIFICATE OF COMPLETION

IS CONFERRED UPON

### ROBERT SANFORD

FOR SATISFACTORILY COMPLETING THE REQUIREMENTS AS PRESCRIBED FOR  
WHITE BELT OF THE CEO OF YOUR NEW LIFE PROGRAM FROM DEFY VENTURES  
AND AWARDED WITH ALL THE RIGHTS AND PRIVILEGES PERTAINING THERETO.

7<sup>TH</sup> OF NOVEMBER, TWO THOUSAND AND EIGHTEEN



Andrew Glazier  
CEO, Defy Ventures



Declaration of Robert L Sanford

DECLARATION OF Robert L. Sanford

I, Robert L. Sanford, due declare under the penalty of perjury that the following statements are true under the United States Constitution and its laws, the State of California Constitution and its laws.

On June 18, 2020, I Robert L. Sanford was transferred to CCI-E facility from SCC in Jamestown, CA 95327;

On June 2020, after arriving at CCI-E-facility an outbreak of Covid-19 was already occurring at E-facility that was infecting multiple amounts of inmates

I was only quarantined at CCI-E-Fac. for about 9 days, instead of the 14 days I was suppose to be in quarantine at CCI- before being mixed in with already infected population;

On or about June 28, 2020, I was moved from Van Westen Upper to Clark Hall Lower (CHL)dorm, where it was said by medical staff that the outbreak on CCI-E-Facility happened in CHL dorm;

Where they had recently housed some inmates from Delano Reception Center, during the height of this known dangerous pandemic;

I asked the correctional staff at Van Westen before I moved, "Why am I being moved before my 14 day quarantine is up" C/O Masteriff stated: That decision is way above my pay grade and this came directly from the warden, so you would have to take your complaint up with him";

I then talked to other inmates leaving CHL dorm now moving into Van Westen they were all infected with Covid-19, the halls where in pandomonium with all the movement and mixing of inmates, my concern now was that I was in a more dangerous condition than I was at SCC dorms;

After moving into the excessively over-crowded dorm where there was less than 3 feet of distance, the dorm was deplorable with inadequate ventilation, exposed asbestos, mold in the shower, rusted out beds, and soiled mattresses,

where it was clearly evident CCI- was refusing to comply with the CDCR Bed Positioning and Partitions when there is no possible way to social distance, and there are more than 10 beds in a room/dorm;

On July 5, 2020, I was in the dayroom when I noticed two officials entering the back door to CHL dorm, the male identified himself as C. Schuyler the Associate Warden of CCI, the other was a female name unknown JANE DOE;

this declarant at this time voiced his concerns as to the obvious clearly unsafe dangerous condition that I was being deliberately subjected to at CCI-E-Facility, where I personally explained to C. Schuyler: " Why are you and the warden subjecting me and other inmates with pre-existing medical issues to this known dangerous condition, that is injuring inmates daily with being infected, you guy's are not following the protocols, with cleaning and disinfecting, there is no social distance, its extremely overcrowded to the point I can't even move without touching somebody in my own bed area(01 we are unsafe here in these known dangerous conditions."

C. Schuyler replied: I'm here this morning on behalf of the Warden, in order to try and stop the spreading of the Covid-19 on this facility, we should have something done within a week,"

The conversation was interrupted before the Associate Warden Schuyler could finish explaining what him and the warden were planning, by C/O Edmonds the regular officer in CHL dorm, he escorted Schuyler from the dayroom and then said to declarant this statement: "I will show you later how I deal with inmates that approach officials coming into my dorm about their health concerns" (Meaning he would issue some type of discipline).

On July 10, 2020, the whole CHL dorm was told to pack all their personal property and move to Rex Deal dorm by C/O Edmonds we were all told the move had to be done before 4:00 p.m. count, and who ever delays count will be written a RVR report,;

the Rex Deal (RD)dorm was in total shambles and in such a deplorable condition it was obviously a known dangerous condition for cross contamination of Covid-19, due to earlier that same day July 10, 2020, they just moved all the inmate

from RD dorm to Davis Hall dorm and Briggs Hall Dorm both located on E- Facility, where this mass movement is a known contributing factor to spreading the Covid-19 virus within the facility, the inmates left the dorm with bed linen that was dirty and soiled in the bed areas, clothing that was soiled, mattresses not cleaned or dis-infected, there was no ventilation, and again absolutely no possible way to social distance the beds were less than 3 feet apart, and the dorm had not been pre-sanitized before moving mass amounts of inmates to this dorm was certainly a known dangerous condition;

the C/O in RD-dorm had little to no disinfectant to clean, his name unknown at this time JOHN DOE, said: "The other inmates must have taken the cleaning supplies when they moved earlier, and there was nothing more he could do about that matter" ;

On July 11, 2020, this declarant awoken to injury without being able to smell or taste, due to being deliberately subjected to a known dangerous condition where cross contamination, was certainly one of the contributing factors to increasing the spread of Covid-19 at this facility;

I the declarant immediately reported the symptoms to the nurse[s] JANE DOE 1 and JANE DOE 2, that morning, where I was given a Covid-19 test, and moved that day to an isolation dorm;

in Van Westen low, where I was found to be POSITIVE for the Covid-19 on July 13, 2020, I was then moved again to Clark Hall low CHL, which now was the Covid dorm, where this was known as the Covid dorm all alone due to the origin of of the outbreak, where declarant was deliberately subjected to a known dangerous condition, where the warden and associate warden were absolutely aware of the cross contamination of mixing inmates from other institutions was putting declarant in a unreasonable risk of harm and danger of being caused pain and suffering, the next, week, the next month or year;

This declarant filed 602 greivances, and administrative notices, warning of these dangers that put him at an unreasonable risk of harm and danger, whereas, he was ultimately injured a second time with being in infected at CCI, even after Warden was put on notice declarant was a high risk medical

with pre-existing medical issues, and now having to be deliberately subjected to a known dangerous work environment that resulted in again injuring declarant for the second time, where declarant (I), was employed as a "American Disability Worker" where my job duties, consisted of helping disabled inmates with understanding legal documents, and general task they cannot perform due to their disability;

furthermore, the job duties required that I enter the known dangerous conditions, that allowed for mixing with overcrowded dorms, no bed positioning, no partitions, inadequate ventilation, asbestos exposed, dirt and filth, in the un-sanitized dorms;

I [declarant] brought these known dangerous conditions to the attention of of immediate supervisor on multiple occasions during the months of August and September C/O Bliss who said: " The warden is aware of the lack of bed positioning, and other un-safe conditions, but he's not going to spend any excess money on patch work, because he is planning on closing this facility a-head of the scheduled closing date of June 2022.";

I also brought this matter to the attention of the Inmate Advisory Council I.A.C., where the warden and facility administrators rely on these I.A.C. members issued memorandums, and reports to situations and issues related to the facility, where they had a once a month meeting with B. Cates the Warden at CCI and his facility Captain;

On or about January 2021, the Chairman, and Sergeant of Arms, Richard Bruossard, the Chairman, and Parvin Tanner, the Sgt of Arms, both were in attendance at this meeting with the warden, where they were both direct eye-witnesses, to the statements made by Warden B. Cates, saying: CCI-E- Facility is no longer under Covid-19 protocols, and the Bed positioning and partitions in the dorms, are adequate, and I'm not dealing with that issue...";

there is no doubt that Warden Cates, was not aware of the known dangerous conditions that existed at his facility, was not contributing to the spreading of this virus, but was being created by his failure to act, with policy and protocols, that he refused to adhere to in order to save cost so he could move forward with his plan for closing this facility ahead of the June 2022


deadline, issued for closure by Defendant Governor Gavin Newsom;

This declarant, was put in a ureasonable risk of harm and danger because this warden, wanted to cut cost, with implementing Covid-19 preventive measures, that resulted in this declarant now suffering with lack of smell, taste, coughing of blood, headaches, joint pain, all contributed to his being infected with Covid-19 "Long Haulers Effect", where declarant is now suffering aa diminished quality of life, the next, week, the next month or year.

The affidavits of Richard Bruossard and Parvin Tanner are in declarants amended complaint, to which this declaration is now incorporated, including test results that support the fact declarant suffers the injury stated herein.

I, Robert L. Sanford due declare under the penalty of perjury that the foregoing statements are true and correct.

Executed on this 21st, day of March 2022

A handwritten signature in black ink, appearing to read 'Robert L. Sanford', written over a horizontal line.

Robert L. Sanford, Declarant



RECEIVED  
2022 AUG -4 AM 11:31  
ATTORNEY GENERAL LOS ANGELES

3

2022 AUG -4 PM 2:01  
LOS ANGELES

Robert L. Santol  
V-2576 Bed #55  
Growlersburg Conservation Camp #33  
5440 Longview Lane  
Georgetown, CA 95634

Case 1:22-cv-01100-KES-CDB

Document 1

Filed 08/29/22

Page 252 of 380

SIERRA CONSERVATION CENTER  
CA STATE PRISON GENERATED MAIL



US POSTAGE



ZIP 95327  
02 4W  
\$002.  
0000353643 AUG 01

To: Office of Attorney General  
ATTN: COLIN A. Shaff.  
Deputy Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013-1230

# EXHIBIT E

**SANFORD VS NEWSOM**  
**BCV-21-100477**

**MAILING LIST**

ROBERT L SANFORD  
CDCR#V-25176 BH 20L  
CALIFORNIA CORRECTIONAL INSTITUTION  
PO BOX 107  
TEHACHAPI CA 93581

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

CALIFORNIA CORRECTIONAL INSTITUTION CCI  
ATTN LITIGATION COORDINATOR  
PO BOX 1031  
TEHACHAPI CA 93581





Superior Court of California  
County of Kern  
Bakersfield Department 10

Date: 06/28/2021

Time: 8:30 AM - 12:00 PM

BCV-21-100477

SANFORD VS NEWSOM

Courtroom Staff

Honorable: Bernard C. Barmann, Jr.

Clerk: Steven J. Leyva

Court reporter: . None

Bailiff: Deputy Sheriff

Interpreter:

Language of:

**PARTIES:**

**Present:**

SANFORD, ROBERT L Plaintiff, Present

**Not Present:**

ALLISON, KATHLEEN Defendant

BANICA, U Defendant

CALIFORNIA CORRECTIONAL INSTITUTION  
Defendant

CATES, B. Defendant

DIAZ, RALPH M Defendant

NEWSOM, GAVIN Defendant

SANDERS, B. Defendant

SCHUYLER, C. Defendant

SHIESHA, S Defendant

CALIFORNIA CORRECTIONAL INSTITUTION (CCI)

CDGR-Litigation Coordinator

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

**NATURE OF PROCEEDINGS: ORDER TO SHOW CAUSE - CRC 3.110**

**Hearing Start Time: 8:30 AM**

The above entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

Plaintiff appeared via audio/video communication.

The Court makes the following findings and orders:

Cause continued to August 26, 2021 at 8:30 a.m. in Department 10.

Reason for continuance: To allow plaintiff additional time to file proof of service or dismissal.



The Court authorizes plaintiff to appear telephonically by CourtCall or Zoom

Civil fast track clerk to notify CourtCall re: authorization of the Court for Plaintiff to appear telephonically.

Copy of minute order mailed to California Correctional Institution  
Attention: Litigation Coordinator, as stated on the attached Certificate of Mailing.

Copy of minute order mailed to all parties as stated on the attached Certificate of Mailing."

**FUTURE HEARINGS:**

July 26, 2021 8:30 AM Demurrer  
Bakersfield Department 10  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

August 26, 2021 8:30 AM Order to Show Cause - CRC 3.110  
Bakersfield Department 10  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

September 07, 2021 8:30 AM Case Management Conference  
Bakersfield Department 10  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

---

MINUTES FINALIZED BY: STEVEN LEYVA

ON: JUNE 28, 2021

**SANFORD VS NEWSOM**  
**BCV-21-100477**

**CERTIFICATE OF MAILING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minutes dated June 28, 2021* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: June 28, 2021

~~Place of Mailing: Bakersfield, CA~~

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Tamarah Harber-Pickens**  
**CLERK OF THE SUPERIOR COURT**

Date: June 28, 2021

By: Steven Leyva  
Steven Leyva, Deputy Clerk

2021 JUL 14 AM 11:35  
ATTORNEY GENERAL  
LOS ANGELES

KL

2021 JUL 14 AM 10:26  
ATTORNEY GENERAL  
LOS ANGELES

RECEIVED

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
METROPOLITAN DIVISION  
1415 TRUXTUN AVENUE  
BAKERSFIELD, CA 93301-5215

RETURN SERVICE REQUESTED

neopost<sup>®</sup>  
07/12/2021

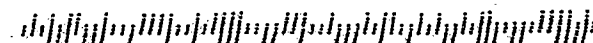
FIRST-CLASS MAIL

**US POSTAGE** \$000.51<sup>0</sup>



ZIP 93301  
041L12205143

9001381256 0013





# EXHIBIT F



NOTICE OF MOTION, OBJECTING TO  
DEFENDANTS DEMUR, PURSUANT TO CODE  
OF CIVIL PROCEDURE - 2007, A.

1. Plaintiff filed a civil tort against defendants on March 8, 2021;
2. All defendants in this civil action were served a Summons and Complaint, on two different dates; Defendants gavin Newsom, Ralph M. Diaz, Kathleen Allison were served on April 9th, 2021 by the Sacramento Sheriff's Department in Sacramento Ca, The defendants R. Cates, C. Schuyler, B. Sanders, S. Shiesha, U. Paniga, California Correctional Institution, were all served on the 5th day of May 2021, by the Sheriff's Department of Kern County;
3. On or about May 6, 2021, Defendants appointed attorney submitted a request for a 30 day extention of time to file a answer/demur to the civil complaint requesting that they be given 30 days until June 7, 2021;  
On or about the 6,th day of May 2021, Plaintiff filed an objection to the 30 day time extention; as the Court found good cause for defendants to have the additional thirty days to respond to the complaint;
4. the Court gave defendants until June 7, 2021, to file an annswer/demur

1 5. Defendants failed to timely submit their demur in the United States Mail  
2 with pre-paid postage on June 7, 2021, as required by Procedural Court deadline,  
3 pursuant to Code of Civil procedure § 1013(a);

4 6. Plaintiff objects to defendants demur in its entirety, because the demur  
5 was mailed late;

6 7. Plaintiff now motions this Court for Procedural Default in accordance to  
7 Code of Civil Procedure § 473 (b);

8 8. Plaintiff received the late response on June 15, 2021, whereas defendants  
9 were only allowed five (5) calendar days under CCP §1013 (a), to have the  
10 demur mailed.; after service of documents;

11 9. Defendants failed to meet this five calendar day deadline window, because  
12 it was not delivered to Plaintiff until the sixth (6) calendar day, therefore,  
13 forfeiting their demur, pursuant to CCP § 1013 (a);

14 10. Defendants are in Procedural Default in this civil action, pursuant  
15 to Code of Civil Procedure § 473 (b);

16 11. whereas, the Defendants demur is forfeited for being untimely;

17 12. this Court no longer holds jurisdiction to render any decision of the  
18 defective demur filed by Defendants attorney;

19 13. this Court is obligated under Code of Civil Procedure § 473 (b) to grant  
20 Plaintiff's motion for Procedural Default in this civil action.

21  
22 STANDARD OF REVIEW FOR TIMELY DEMUR

23 The Court has no jurisdiction to render a decision of Defendants demur  
24 where Defendants failed to file a timely demur. *Zamora vs. Clayborn* ; 28 Cal.  
25 4th at 284, thus, for example, "The failure of counsel to meet 'procedural  
26 deadline' is 'a proper subject for motion 473 (b) relief. (See *vs. Ellis*  
27

1 Fargo Bank (2001) 88 Cal. App. 4th 1187). So, too, is "failure to timely  
2 respond to [a] request for admissions." Elston vs. City of Turlock (1985) 38  
3 Cal. 3d 277.

4 Its clearly noted as to jurisdictional discovery pursuant to 26 U.S.C.S  
5 § 7422 (a); as a claim was not timely, so the court had no jurisdiction over  
6 claim, as attorney was not diligent, as in this instant case, no way the  
7 demur could have arrived by the filing deadline (as same day it was mailed)  
8 in the ordinary purposes of 26 U.S.C.S § 7422(a), as the court explained  
9 Service of process of service, the rule is well settled that if a letter  
10 properly directed is proved to have been either put into the post office or  
11 delivered to the postman, it is presumed, from the known course of business  
12 in the post office department, that it reached its destination at the regular  
13 time and was received by the person it was addressed, see Sorrentino vs. IRS  
14 383 F. 3d 1187 (2004).

15 The California Supreme Court recently observed the discretionary relief  
16 provision of section 473 (b) applies to "any judgement, dismissal, order or  
17 other proceeding." and as outlined above is proper subject for section 473 (b)  
18 relief Zamora Supra, 28 Cal. 4th 254.

19 The United States Constitution under the Fourteenth Amendment clearly  
20 states no state shall deprive any person of life, liberty, or property without  
21 due process of law; nor deny to any person within its jurisdiction the equal  
22 protection of the laws; California Constitution Article 1 Section 7, (a),  
23

24 standard of review for a demur that is untimely filed by Defendants  
25 is a violation of Procedural due process of state and Federal law, under  
26 the 14th Amendment, and Cal. Constitution Art. 1, Sec.7 (a). Where the courts  
27 have no jurisdiction to render a decision of defendants demur.  
//

Argument

1  
2 On June 15, 2021, I received a demur via the United States Mail from  
3 Defendants attorney, however defendants failed to comply with the required  
4 procedural deadline that was extended for thirty days by this Court, until  
5 June 7, 2021, this demur was mailed six calendar days after being placed in  
6 United States Postal service delivery system, as Defendants attorney declared  
7 under the penalty of perjury. Defendants were only allowed five calendar  
8 days to have demur delivered not six, therefore, these defendants failed to  
9 submit their demur in a timely manner pursuant to California Code of Civil  
10 Procedure § 473 (b), and § 1013 (a), where now Plaintiff is proper to move  
11 with procedural default.

12 Moreover, the post mark on the envelope that contained the demur was  
13 dated June 10, 2021, where this proves that defendants did not have this  
14 demur placed in the U.S. mail in a timely manner to avoid being untimely  
15 see Exhibit "A". Plaintiff can further support this fact that this particular  
16 document was untimely due to the letter received by the Attorney Generals  
17 Office that was dated June 7, 2021, with a post mark of June 8, 2021 in  
18 Case No. 34-2021-00296034 this notice from the Sacramento Office of the  
19 Attorney General [REDACTED],

20 This Court has no jurisdiction to render a decision on the late and  
21 defective demur filed by the defendants pursuant to Code of Civil Procedure  
22 § 473(b), for this reason that the defendants demur is defective as to being  
23 untimely this Plaintiff objects to the demur in its entirety and now moves  
24 to default.

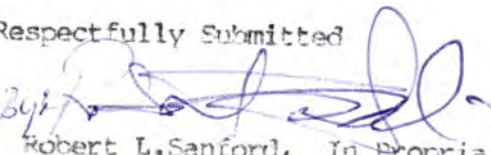
25 CONCLUSION

26 Plaintiff has stated sufficient facts to this Motion Objecting to Defendants  
27 demur pursuant to Code of Civil Procedure §473 (b), where this Court has no

1 jurisdiction to render a decision of Defendants demur, where defendants failed  
2 to comply with the procedural deadline therefore forfeiting their response as  
3 being untimely pursuant to Code of Civil Procedure §473 (b) and §1013 (a),  
4 as Plaintiff now prays this Court offer relief by setting this matter for  
5 trial based upon the facts that caused Plaintiff injury with being infected  
6 with Covid-19 and where Plaintiff now suffers from inability to smell or  
7 taste, or provide any other such remedy as to what this Court deems proper.

8 Date July 7, 2021.

9  
10 Respectfully Submitted

11 

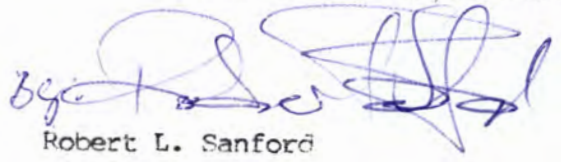
12 Robert L. Sanford, In Propria Persona  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



## DECLARATION

I, Robert L. Sanford declare under the penalty of perjury to the laws of the United States Constitution and the California Constitution, that the foregoing Notice of Motion for Procedural Default of Defendants Untimely Filing of Demur, is true and correct to the best of my knowledge.

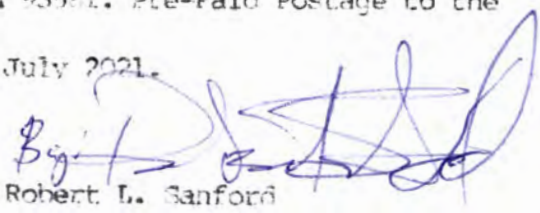
Defendants failed to have their demur filed in a timely manner in accordance to the required procedural deadline of June 7, 2021, therefore violating the California Code of Civil Procedure § 1013 (a) as this statute provided five calendar days after service to be delivered. Plaintiff in this civil action did not receive the response until June 15, 2021, that made it six calendar days after service, as this now is a defective response by the Defendants for failing to meet the procedural deadline. The envelope that contained the defective demur was post marked June 10, 2021, showing that Defendants did not file their response timely as this was also three days after the response was due. These facts stated herein are true and correct and Plaintiff now moves this Court to default pursuant to California Code of Civil Procedure § 473(b), I the declarant in this civil action declare that under the penalty of perjury all the facts stated herein are true and correct.

  
Robert L. Sanford



CERTIFICATE OF SERVICE

I, Robert L. Sanford, deposited a copy of the Notice of Motion for Procedural Default Pursuant to Cal. Code of Civil Procedure § 473(b) for failing to file a Timely demurrer in the United States Mail at: California Correctional Institution P. O. Box 107, Tehachapi, CA 93581. Pre-Paid Postage to the following listed below. On this 7 day of July 2021.

  
Robert L. Sanford

Office of California Attorney Generals  
Attn: Colin A. Smith  
510 South Spring Street, Suite 1700  
Los Angeles, CA 90012

Exhibit "A"

Exhibit "A"

DOCKETING  
RECEIVING  
2021 JUL 12 AM 11:26  
ATTORNEY GENERAL  
LOS ANGELES

RB

RECEIVED  
2021 JUL 12 AM 10:28  
ATTORNEY GENERAL  
LOS ANGELES

Docketed  
Los Angeles

JUL 12 2021

By: D4 jr

# EXHIBIT G



Superior Court of California  
County of Kern  
Bakersfield Department 10

Date: 08/26/2021

Time: 8:30 AM - 12:00 PM

BCV-21-100477

SANFORD VS NEWSOM

Courtroom Staff

Honorable: Bernard C. Barmann, Jr.

Clerk: Stephanie Lockhart

Court reporter: . None

Bailiff: Deputy Sheriff

**PARTIES:**

**Present:**

SANFORD, ROBERT L Plaintiff, Present via  
CourtCall

**Not Present:**

ALLISON, KATHLEEN Defendant

SHAFF, COLIN A Attorney

BANICA, U Defendant

SHAFF, COLIN A Attorney

CALIFORNIA CORRECTIONAL INSTITUTION  
Defendant

CATES, B. Defendant

SHAFF, COLIN A Attorney

DIAZ, RALPH M Defendant

SHAFF, COLIN A Attorney

NEWSOM, GAVIN Defendant

SHAFF, COLIN A Attorney

SANDERS, B. Defendant

SHAFF, COLIN A Attorney

SCHUYLER, C. Defendant

SHAFF, COLIN A Attorney

SHIESHA, S Defendant

SHAFF, COLIN A Attorney

CALIFORNIA CORRECTIONAL INSTITUTION (CCI)

CDCR Litigation Coordinator

**NATURE OF PROCEEDINGS: ORDER TO SHOW CAUSE - CRC 3.110**

**Hearing Start Time: 8:30 AM**

The above entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

The court orders as follows:

Order to Show Cause - CRC 3.110 is continued to September 07, 2021 at 8:30 a.m. in Department 10.

Reason for continuance: to be heard with case management conference

The Court authorizes telephonic appearance by courtcall by plaintiff on September 07, 2021 at 8:30 a.m.

MINUTES  
Page 1 of 3

SANFORD VS NEWSOM

BCV-21-100477

The civil fast track clerk to notify courtcall re: authorization of the Court for plaintiff to appear telephonically.

A certified copy of minutes mailed to California Correctional Institution (CCI) , Attention Litigation Coordinator as stated on the attached declaration of mailing.

Copy of minutes are mailed to all parties as stated on the attached certificate of mailing

Audio streaming announced.

**FUTURE HEARINGS:**

September 07, 2021 8:30 AM Case Management Conference  
Bakersfield Department 10  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

September 07, 2021 8:30 AM Order to Show Cause - CRC 3.110  
Bakersfield Department 10  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

---

MINUTES FINALIZED BY: STEPHANIE LOCKHART

ON: AUGUST 26, 2021



SANFORD VS NEWSOM  
BCV-21-100477

**CERTIFICATE OF MAILING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minutes dated August 26, 2021* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: August 26, 2021

Place of Mailing: Bakersfield, CA

-- -- I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Tamara Harber-Pickens**  
CLERK OF THE SUPERIOR COURT

Date: August 26, 2021

By: Stephanie Lockhart  
Stephanie Lockhart, Deputy Clerk

**MAILING LIST**

ROBERT L SANFORD  
CDCR#V-25176 BH 20L  
CALIFORNIA CORRECTIONAL INSTITUTION  
PO BOX 107  
TEHACHAPI CA 93581

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

CALIFORNIA CORRECTIONAL INSTITUTION CCI  
ATTN LITIGATION COORDINATOR  
PO BOX 1031  
TEHACHAPI CA 93581

SV

RECEIVED

2021 SEP -3 AM 10:44

ATTORNEY GENERAL  
LOS ANGELES

DOCKETING  
RECEIVING  
2021 SEP -3 AM 11:30  
ATTORNEY GENERAL  
LOS ANGELES

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
METROPOLITAN DIVISION  
1415 TRUXTUN AVENUE  
BAKERSFIELD, CA 93301-5215

Case 1:22-cv-01100-KES-CDB Document 1 Filed 08/29/22 Page 277 of 380

SANTA CLARITA CA 913

FIRST-CLASS MAIL

1 SEP 2021 PM 7 L

neopost

09/01/2021

**US POSTAGE** \$000.53<sup>0</sup>



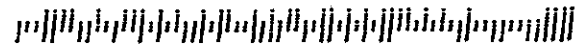
ZIP 93301  
041L12205143

RETURN SERVICE REQUESTED

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

BCV-21-100477

90013-125627



# EXHIBIT H



Superior Court of California  
County of Kern  
Bakersfield Department 10

Date: 09/07/2021

Time: 8:30 AM - 12:00 PM

BCV-21-100477

SANFORD VS NEWSOM

Courtroom Staff

Honorable: Bernard C. Barmann, Jr.

Clerk: Linda K. Hall

Court reporter: . None

Bailiff: Deputy Sheriff

Interpreter:

Language of:

Court Call

NATURE OF PROCEEDINGS: CASE MANAGEMENT CONFERENCE & ORDER TO SHOW CAUSE RE: SERVICE

Hearing Start Time: 9:15 AM

The above entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected.

Plaintiff Robert L. Sanford appeared via Court Call in Pro Per.

Counsel Colin A. Shaff appeared via court call on behalf of Defendant(s).

The Court makes the following findings and orders:

Order to Show Cause RE: Service - Dropped. Should have been vacated California Correctional Institution was served May 2022 and proof of service filed on 07/07/2021.

Counsel for Defendant(s) states he'll be representing that Defendant as well.

Case management conference continued to 11/08/2021, at 8:30 a.m., in Department 17.

Copy of clerk's minutes mailed to all parties as stated on the attached declaration.

Minute order notice.

FUTURE HEARINGS:

November 08, 2021 8:30 AM Case Management Conference

MINUTES FINALIZED BY: LINDA HALL

ON: SEPTEMBER 08, 2021

MINUTES  
Page 1 of 3

SANFORD VS NEWSOM

BCV-21-100477

SANFORD VS NEWSOM  
BCV-21-100477

**CERTIFICATE OF MAILING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minutes dated September 08, 2021* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: September 08, 2021


Place of Mailing: Bakersfield, CA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Tamarah Harber-Pickens**  
CLERK OF THE SUPERIOR COURT

Date: September 08, 2021

By:

Linda Hall 

Linda Hall, Deputy Clerk

Signed: 9/8/2021 11:10 AM



**SANFORD VS NEWSOM**  
**BCV-21-100477**

**MAILING LIST**

ROBERT L SANFORD  
CDCR#V-25176 BH 20L  
CALIFORNIA CORRECTIONAL INSTITUTION  
PO BOX 107  
TEHACHAPI CA 93581

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

CALIFORNIA CORRECTIONAL INSTITUTION CCI  
ATTN LITIGATION COORDINATOR  
PO BOX 1031  
TEHACHAPI CA 93581

# EXHIBIT I



1 Robert L. Sanford  
2 V-25176 D-#3-34L  
3 California Correctional Institution  
4 P.O. Box 508  
5 Tehachapi, CA 93581  
6 In Propria Persona

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

Robert L. Sanford  
Plaintiff

Case No.: RCV-21-100477-BCB

vs.

Gavin Newsom, et al.,  
Defendant

EX PARTE MOTION REQUESTING A ~~TEN~~ (10)  
Day EXTENSION OF TIME TO FILE OBJECTION  
TO DEFENDANTS DEMUR OF PLAINTIFF'S  
FIRST AMENDED COMPLAINT

Now Comes Robert L. Sanford, Plaintiff in above Case No: RCV-21-100477  
BCB, submitting this instant motion Requesting that Plaintiff be given a  
additional Ten (10) days to file an Objection to Defendants Deemur of  
Plaintiff's first amended Complaint, whereas, plaintiff received the Deemur  
here at CCI on October 18, 2021, and now ask for this extension for good  
cause, where Plaintiff is currently being housed here at CCI-D-facility for  
temporary housing, as this places plaintiff in transitional placement pending  
transfer to appropriate housing in accordance to his custody level (I),  
Plaintiff is also seeking Third Party information regarding substantial facts  
related to the issues involved in this First Amended Complaint, as this will  
take approximately (4) days for the information to be received and another (5)  
five days to mail the information back to Plaintiff here at CCI, that don't  
deliver legal mail to inmates the same day its received from the Postal  
Delivery, therefore, giving [us] mail later than actual recorded on delivery  
log here at CCI.

Plaintiff is requesting for a 10 day extension for good cause in order.

1 to adequately address the demand with verifiable facts and information from  
2 the third party agency involved, and with Plaintiff being held in temporary  
3 housing out of his custody level here at CCI-D-yard Plaintiff is unable to  
4 access library and research due to the excessive overcrowded conditions that  
5 ultimately forced Plaintiff into Temporary housing out of custody level by  
6 CCI- Facility administrators, that are responsible for the injury that brought  
7 rise to this civil action, primarily from the lack of social distancing and  
8 their failure to comply with Covid protocols, and refusal to place "partitions  
9 between the bunks has led to Plaintiff being injured and for the reasons  
10 stated herein this motion Plaintiff shows good cause for ten day extension of  
11 time granting this request. That this Objection will be filed on or before  
12 November 8th, 2021.

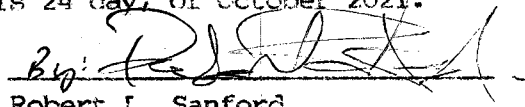
13 Date: October 24, 2021

14  
15 Respectfully Submitted,

16   
17 Robert L. Sanford, In Propria Persona  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CERTIFICATE OF SERVICE

I, Robert L. Sanford, deposited a copy of Exparte Motion Requesting Ten (10) Day Extention of Time To File an Objection To Defendants Demur Regarding Plaintiff's First Amended Complaint, in the United States Mail At: California Correctional Institution, Po. Box 608, Tehachapi, CA 93581, Pre Paid postage. To the following Person[s] listed below. On this 24 day, of October 2021.

By:   
Robert L. Sanford

OFFICE OF THE ATTORNEY GENERAL  
Attn: Deputy Attorney General  
Colin Shaff  
300 S. Spring Street, Suite 1702  
Los, Angeles, CA 90013



# EXHIBIT J

MC-040

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <b>Robert L. Sanford CCR#V-25176</b> <b>California Correctional Institution</b> <b>P.O. Box 608</b> <b>Tehachapi, CA 93581</b> TELEPHONE NO.: FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>IN Anna Persons</b>		FOR COURT USE ONLY:          
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>KERN</b> STREET ADDRESS: <b>1415 Truxtun Ave</b> MAILING ADDRESS: <b>Bakersfield, CA 93301</b> CITY AND ZIP CODE: <b>Superior Court</b> BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>Robert L. Sanford</b> DEFENDANT/RESPONDENT: <b>Gavin Newson, et al,</b>		CASE NUMBER: <b>BCV-21-100477</b> JUDICIAL OFFICER: <b>HON. B. Barham</b> DEPT.: <b>10</b>
NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION		

## 1. Please take notice that, as of (date):

- ☒ the following self-represented party or  
☐ the attorney for:

- a. ☒ plaintiff (name): **Robert L. Sanford**  
b. ☐ defendant (name):  
c. ☐ petitioner (name):  
d. ☐ respondent (name):  
e. ☐ other (describe):

has **changed his or her address** for service of notices and documents or other contact information in the above-captioned action.

☒ A list of additional parties represented is provided in Attachment 1.

2. The **new address** or other contact information for (name): **Robert L. Sanford**

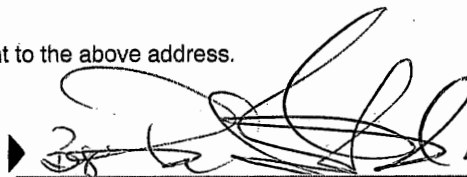
is as follows: **Sierra Conservation Center**

- a. Street: **5150 O'BYRNS FERN Rd**  
b. City: **Jamestown, CA 95327**  
c. Mailing address (if different from above):  
d. State and zip code:  
e. Telephone number:  
f. Fax number (if available):  
g. E-mail address (if available):

3. All **notices and documents** regarding the action should be sent to the above address.

Date: **11-08-2021**

**Robert L. Sanford**  
 (TYPE OR PRINT NAME)

  
 (SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 2

MC-040

PLAINTIFF/PETITIONER: Robert L. Sanford	CASE NUMBER:
DEFENDANT/RESPONDENT: Gavin Newsum, et al	BCV-21-100477

**PROOF OF SERVICE BY FIRST-CLASS MAIL  
NOTICE OF CHANGE OF ADDRESS OR OTHER CONTACT INFORMATION**

(NOTE: This page may be used for proof of service by first-class mail of the Notice of Change of Address or Other Contact Information. Please use a different proof of service, such as Proof of Service—Civil (form POS-040), if you serve this notice by a method other than first class-mail, such as by fax or electronic service. You cannot serve the Notice of Change of Address or Other Contact Information if you are a party in the action. The person who served the notice must complete this proof of service.)

- At the time of service, I was at least 18 years old and not a party to this action.
- I am a resident of or employed in the county where the mailing took place. My residence or business address is (specify):  
**CCI P. O Box 608, Tehachapi, CA 93581**
- I served a copy of the Notice of Change of Address or Other Contact Information by enclosing it in a sealed envelope addressed to the persons at the addresses listed in item 5 and (check one):
  - ☒ deposited the sealed envelope with the United States Postal Service with postage fully prepaid.
  - ☐ placed the sealed envelope for collection and for mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
- The Notice of Change of Address or Other Contact Information was placed in the mail:
  - on (date): **11-08-2021**
  - at (city and state):
- The envelope was addressed and mailed as follows:
 

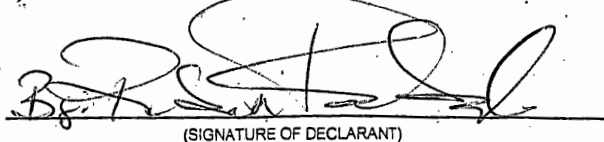
a. Name of person served: <b>COLIN A. SHUFF</b>	c. Name of person served:
<b>Attorney General's Office</b>	
Street address: <b>300 S. Spring St. Suite 1202</b>	Street address:
City: <b>Los Angeles 90013</b>	City:
State and zip code: <b>CA 92</b>	State and zip code:
b. Name of person served:	d. Name of person served:
Street address:	Street address:
City:	City:
State and zip code:	State and zip code:

☐ Names and addresses of additional persons served are attached. (You may use form POS-030(P).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: **11-08-2021**

**Robert L. Sanford**  
(TYPE OR PRINT NAME OF DECLARANT)

  
(SIGNATURE OF DECLARANT)

DOCKETING OUTGOING  
2021 NOV 12 PM 3:32  
ATTORNEY GENERAL  
LOS ANGELES

DOCKETING  
RECEIVED  
2021 NOV 12 AM 11:50  
ATTORNEY GENERAL  
LOS ANGELES

RECEIVED  
2021 NOV 12 AM 10:58  
ATTORNEY GENERAL  
LOS ANGELES

**California Correctional Institution**

Name: Robert L. Sanford  
CDC #: V-25776  
Facility D Building 3 Bed 34  
P.O. Box 608  
Tehachapi, CA 93581

**CALIFORNIA DEPARTMENT OF CORRECTIONS AND  
REHABILITATION INDIGENT INMATE MAIL**

Facility Post Office Boxes  
Facility A - P.O. Box 1902  
Facility B - P.O. Box 1906  
Facility C - P.O. Box 1905  
Facility D - P.O. Box 608  
Facility E - P.O. Box 107  
Administration - P.O. Box 1031

SANTA CLARITA CA 913

9 NOV 2021 PM 7 L



U.S. POSTAGE >> PITNEY BOWES



ZIP 93561 \$ 000.53<sup>0</sup>  
02 1W  
0001384585 NOV. 09. 2021

To: Attorney General's Office  
ATTN: COLIN A. SHAFF, Deputy Attorney Gen.  
300 S. Spring Street, Suite 202  
Los Angeles, CA 90013

90013-125827



**UNAUTHORIZED ITEMS WITHIN INMATE MAIL**

If mail contains these items, it will result in an issuance of a CDC.

- No padded envelopes, cardboard, bubble wrap.
- No musical greeting cards, video's, CD's, or cassette tapes.
- No cash, No pens, pencils, or markers.
- No identification cards, credit cards, bank cards, phone cards, etc.
- No polaroid photographs, negatives, slides, or photo albums. No photos depicting drugs and/or drug paraphernalia, No photos drawings, magazines, and/or pictorials displaying frontal nudity of either gender. Nothing which depicts, displays or describes sexual penetration or sexual acts.
- No gang affiliated material, hand gestures, or signs.
- No items of clothing, food, hard plastic, metal, wood items, magnets, rubber, glue and/or glitter.
- No tattoo patterns or tracing patterns. No jewelry.
- No mail containing unknown substance, any powder, liquid and/or solids.
- No unauthorized correspondence between inmates/parolees.
- No lipstick, perfume, cologne, and scents on the contents or envelope.
- No items which may be deemed a threat to the safety and security of the institution; or any correspondence deemed circumvention of the mail policies and procedures.
- All incoming mail must have full return address.

This envelope is sent as Uncensored,  
Privileged, and Confidential mail. The  
contents do not pertain to the addressee  
or is not of a privileged or confidential  
nature, please return to:  
California Correctional Institution  
P.O. Box 1031  
Tehachapi, CA 93561  
ATT: Mailroom Sergeant

**AUTHORIZED ITEMS WITHIN INMATE MAIL**

- 40 postage stamps/40 envelopes
- Letters/greeting cards
- 10 photographs
- Checks/money order with Inmate's name and CDC#
- Writing paper (white/yellow lined only)
- Publications (books, magazines, newspapers) **MUST** come directly from vendor
- For funds to be mailed directly to Inmates account, send through [www.jpay.com](http://www.jpay.com) or (800) 574-5729



# EXHIBIT K

1 Robert L. Sanford  
V-25176 D-3-34L  
California Correctional Institution  
2 P.O. Box 608  
Tehachapi, CA 93581  
In Propria Persona  
3  
4

5 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
6

7 B Robert L. Sanford  
Plaintiff,

Case No: BCV-21-100477 BCB

8 VS.  
9 Gavin Newsom, et al.,

PLAINTIFF'SS OBJECTION TO DEFENDANTS  
DEMURRER TO COMPLAINT; MEMORANDUM  
OF POINTS AND AUTHORITIES

10  
11 Now comes Robert L. Sanford, Objecting to Defendants Demurrer to Complaint  
12 ; and Memorandum of Points and Authorities in its entirety outlined in the  
13 following:

14 PLAINTIFF OBJECTS TO DEMURRER REGARDING  
15 DEFENDANTS ALLEGATIONS THAT PLAINTIFF DID  
NOT COMPLY WITH THE GOVERNMENT CLAIMS ACT.

16 (1) Plaintiff Robert L. Sanford now objects to defendants demur, regarding  
17 allegations-that Plaintiff failed to comply with government Claims,  
18 2) as Plaintiff can clearly show in evidence code §664 that, on July 10, 2021  
19 Plaintiff corrected the Government Claims complaint, by filing a correction  
20 complaint; statinting  
21 §3) "Due to Appellant (plaintiff) being forced to live in unsafe condition [I]  
22 contracted Covid-19 at California Correctional Institution where I can no longer  
23 smell or taste, due to the Covid-19 infection from the lack of social distance  
24 and "partitions" between buks in dorm area...."  
25 (4) Plaintiff further outlined in Government Claim that "CCI" refused to place  
26 "Partitions" between buks s - to-prevent-the-spread of-Covid-19, along with being  
27 forced 'mass movements' without properly cleaning dorms, led to Plaintiff beigg

1 infected"

2 (5) These facts are supported by the Gov. Comp Claim, submitted by Plaintiff  
3 on July 10, 2021, in order to cure in-advertent mix-up of using SCC appeal  
4 that was filed prior to Plaintiff arriving at CCI on June 28, 2020,; this fact  
5 shows Defendants [Demurer] fails as to Plaintiff filing a Government Claim  
6 sent along with fee waiver on July 12, 2021 as Plaintiff did submit this claim  
7 claim. See Exhibit "A" (Gov. Claim, Inmate Statement Report)

8 (6) Whereas, the Gov. Claim addresses the same set facts, clearly outlining  
9 the social distance and lack of Partitions that ultimately caused Plaintiff  
10 irreparable harm from a known dangerous condition that Defendant[s] (A)  
11 Warden at CCI Brian Cates, willfully and deliberately ignored and was aware  
12 of the danger the Covid-19 virus placed Plaintiff in, without acting and  
13 ordering the installation of Partitions that was implemmented by the Department  
14 CDCR Policy under Covid-19 Protocol";

15 (7) Whereas, Cates failed to have these partitions placed in dorms with more  
16 ten (10) beds or more id. in Complaint at; PP. 2,3, paragraphs 11,12, and  
17 also see supporting Exhibits "A" "B" "C".

18 PLAINTIFF REQUEST THIS COURT TAKE JUDICIAL NOTICE

19 (8) Of Sworn Affidavits in First Amended Complaint, from the Chairperson of  
20 the Inmate Advisory Council (IAC) whereas, this inmate council; meets with  
21 the warden, Captain and all administrators once amonth to get updates and  
22 advisory notes regarding policy, conditions, and changes to regulations rules  
23 etc. The affidavits that Plaintiff is requesting this Court take Judicial  
24 Notice of, are addressing the facts of the protocols regarding the specific  
25 and direct eye-witnesses to statements made by Defendant Brian Cates (A)  
26 Warden CCI, claiming CCI is no longer under Covid-19 protocols.";

27 (9) this question was asked during a IAC meeting, as this Defendant's willfull

1 neglect of the positioning of the bunks at CCI, where a direct eyewitness has  
 2 now sworn under penalty of perjury to the fact Brian Cates statements during  
 3 a wardens meeting with the JAC at CCI- E-Facility, regarding conditions and  
 4 circumstances directly related to the Covid-19 issues that injured this person  
 5 on the two different dates of July 2020, and October 2020, as its a fact the  
 6 Warden was clearly and absolutely aware of the dangerous condition that was  
 7 infecting inmates along with the fact he was not going to comply with the  
 8 Covid-19 Protocols, regardless of how many inmates were injured due to his not  
 9 acting with placing "partitions" between the bunks in order to prevent the  
 10 spread of Covid-19 at CCI. His failure to act and his wilful neglect not  
 11 to do so is beyond dispute regarding this matter, where he directed and placed  
 12 plaintiff in a known unreasonable risk of danger and harm, whereas, Plaintiff  
 13 being a dependent adult under his custodial care had no way of protecting his  
 14 self from this condition, that has now injured him with irreparable injury.  
 15 These facts now being submitted for this Court to take "Judicial Notice"  
 16 as supporting facts in regards to known danger that B. Cates was aware of and  
 17 willfully neglected his duties as custodian of dependent adult under his care  
 18 refusing to act and comply with Covid-19 protocols, therefore with his deliberate  
 19 refusal to act, should not allow defendants demur to stand, and now have  
 20 this complaint and first amended complaint to proceed for trial on the facts  
 21 now being submitted regarding the Defendant[s] in this amended complaint.  
 22 10.) Plaintiff also addresses defendants demur where Plaintiff objects to  
 23 defendants demur in its entirety, whereas Plaintiff has brought facts to the  
 24 attention of this Court in the original complaint and the amended complaint  
 25 regarding the named defendant[s] B. Cates regarding his direct involvement  
 26 with the mass movement of dependent adults under his custodial care at CCI  
 27 where he authorized more than 100 inmates at time he moved from one dorm to

1 another, however, before moving inmates [dependent adults] into these dorms that  
 2 housed over 100 dependent adults there was now cleaning protocols done or taken  
 3 care of, where its a known dangerous condition to CDCR and its protocols to  
 4 prevent the spread of Covid-19 by first sterilizing and sanitizing the previous  
 5 areas that were being used by dependent adults (inmates) before allowing other  
 6 dependent adults with known pre-existing medical conditions to be placed in  
 7 a contaminated area that creates another dangerous condition, where this is  
 8 a fact that happened on July 10, 2020, that injured Plaintiff when they moved  
 9 more than 100 inmates on July 10, 2020, at approximately 9 a.m. until about  
 10 3 p.m, and on trhis same day they moved Plaintiff from Clark Hall low to  
 11 Rex Deal dorm this same day that they (CCI staff under direction of B. Cates  
 12 and his staff administrators) moved 100 inmates from Rex-Deal dorm to Davis  
 13 Hall dorm, and at approximately 3:30 p.m that same day Plaintiff was forced  
 14 ~~halt~~ to move from Clark Hall low dorm to the containinated Rex deal dorm  
 15 that was not sterilized, sanitized, and cleaned at no point before forcing  
 16 dependent adults into a known dangerous and contaminated infected area, goes  
 17 beyond any reasonable persons actions with, placing dependent adults with pre  
 18 existing medical conditions such as Plaintiff, having ashma, anemia, alpha  
 19 thalasemia, whereas, now plaintiff is suffering from "longhaulers effect"  
 20 from the infection he contracted on july 10-12, 2020, in rex Deal Dorm see  
 21 supporting facts to plaintiff's medical reports confirming this infection  
 22 occurred and now continues to injre plaintiff. See Exhibit " ",  
 23 For the reasons stated herein , this] set of facts, defendants demur fails  
 24 also, regarding known dangerous condition, where defendants demur does not  
 25 stand, and Plaintiff objects to their demur in its entirety.  
 26 11.) Whereas, the facts that caused the injury to Plaintiff, with the  
 27 ignored protocols of CDCR, and the Governor of California who is the leader



1 the Department and its directives, Agents of the department failed to comply  
 2 with these protocols, while knowing this placed dependent adults in their care  
 3 in serious and known dangerous condition, and Defendant Newom, and his  
 4 appointed agents failed to act, therefore causing plaintiff's injury as a result  
 5 for failing to uphold fiduciary duties, to comply with Covid-19 protocols,  
 6 As this also demonstrates how Defendants demur fails to Plaintiff's amended  
 7 Complaint, and should be allowed to proceed on facts and supporting evidence  
 8 being submitted in Plaintiff's objection to Defendants[s] Demurrer of Plaintiff's  
 9 first amended Complaint, Plaintiff Objects to any and all allegations in its e  
 10 ntirety and this matter should be set for trial.

11 12.) Plaintiff has raised cognizable issues showing why these Defendant[s]  
 12 should are held responsible for the injuries that Plaintiff now suffers from  
 13 regarding their failure to act with following Covid-19 protocols, that could  
 14 have prevented the spread of Covid-19 that caused plaintiff this injury at  
 15 CCI, where Plaintiff has now addressed every defect regarding the matter of  
 16 Gov. Claim being filed against SCC, instead of CCI, although the institutions  
 17 both are under CDCR directives and failed to comply with protocols, and the  
 18 defendants are relying on technical defects in their demurrer instead of  
 19 defending the facts that caused plaintiff his injuries, as the defendants are  
 20 clearly at fault for the injury and should be held accountable in a trial of  
 21 the facts regarding this matter, as to why they refused to place "partitions"  
 22 between the Bunks, that CDCR relied upon as policy to help stop the spread of  
 23 Covid-19, while allowing the positioning of beds policy to be ignored by CDCR  
 24 and its appointed agents to act with reckless disregard and wilful neglect  
 25 with addressing a known dangerous condition that is ultra-hazardous and caused  
 26 injury to the Plaintiff. Where Defendants demurrer should fail at this point  
 27 in its entirety, allowing Plaintiff to continue with trial proceedings.



13.) Plaintiff has been injured due to the Covid-19 infection, that was suppose to be prevented from spreading within the institution at CCI but there was not protective measures taken when Plaintiff was forced to move into dorms that were not in compliance with the Covid-19 protocol regulations issued by the CDCR administrators regarding "Bed positioning" and "partitions" between the bunks that had more than 10 beds in a room/dorm, the dorms that Plaintiff was forced to move in on July 10, 2020, was not even properly cleaned in accordance to cleaning protocols that were implemented by the Department and Center of Disease Control (CDC), where Defendant B. Cates was aware of and knew this was a dangerous condition that ultimately injured Plaintiff where he now suffers from the Long Haulers Effect of Covid-19, where now Defendants Demurrer to Plaintiff's First Amended Complaint should Fail with Defendants attempting to claim Plaintiff failed to state a cognizable claim, as its clear Plaintiff is a dependent adult and has a right to reasonable protection from known dangerous condition of Covid-19 when CDCR the agency that makes policy for CCI to follow regarding "Bed positioning" and "Partitions" and where Defendant B. Cates knowingly and willfully ignored the the risk of this deadly virus and failed to act in compliance with having partitions placed in the dorms to help prevent the spread of Covid-19 is policy within the Department and Cates allowed Plaintiff to be injured in this known dangerous condition, Demurrer fails, and Plaintiff should be allowed to continue with trial on the facts of his ongoing injuries, that have no cure.

14.) The Covid-19 Protocols were not complied with at all during the time this Plaintiff was housed at E-Facility at CCI under the custodial care of Brian Cates where CDC on its web site Prevention, Prevent Getting Sick, <https://www.cdc.gov/coronavirus/2019-nCoV/prevent-getting-sick/how-covid-spreads.html> This Defendant was well aware of all the CDC and CDCR policies that involved

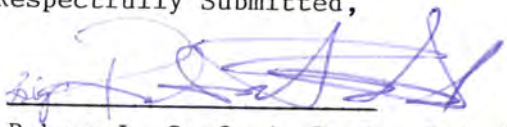
1 this prevention and the implemented policy of CDCR on Bed positioning, and  
2 partitions see amended complaint reagrding this at Exhibit "A"  
3 Defendants demurrer to Plaintiff's first amended complaint should fail in its  
4 entirety, because Plaintiff has raised a cognizable claim showing with clear  
5 facts that CCI under the direction of B. Cates as Warden did not act with a  
6 reasonable act to prevent the spread of a known dangerous condition of Covid-19  
7 that injured Plaintiff. Demurrer fails and this case should be allowed to have  
8 facts presented at trial.

9  
10 CONCLUSION

11 Plaintiff has plead sufficient facts in his Objection to Ddefendants  
12 demurrer to Plaintiff's first amended complaint where now this objection to  
13 the allegation presented by defendants should fail in its entirety because  
14 Plaintiff has a cognizable claim that is ready for trial

15  
16 December 28, 2021

17 Respectfully Submitted,

18   
19 \_\_\_\_\_  
20 Robert L. Sanford, In Pro Pria Persona  
21  
22  
23  
24  
25  
26  
27

## POINTS AND AUTHORITIES

1  
2 Plaintiff now brings to the attention of this Court pursuant to Civil Code  
3 and procedure § 473 (a)(1) "the court may, in furtherance of justice, and on  
4 any terms as may be proper, allow a party to amend any pleading or proceeding  
5 by adding or striking out the name of any party; or by correcting a mistake  
6 in the name of the party, or a mistake in any other respect; and may, upon  
7 like terms, enlarge the time to answer the demurrer...."

8 Whereas, Plaintiffff inadvertently made a mistake on the original Government  
9 Claims form by putting SCC instead of CCI as the the place of injury; here  
10 Plaintiff files another Government Claims form addressing the exact cause of  
11 action as to the place of the injury, and how the injury was caused to the  
12 Government Claims, since CCI is a state agency and Plaintiff is in Propria  
13 persona as a incarcerated person bringing this civil action against the CDCR  
14 subsidiary agency CCI, regarding its failure to comply with Covid-19 protocols  
15 within a detention facility, where Defendant Brian Cates the (A) Warden at CCI  
16 had first hand knowledge of a known dangerous condition and policy that was in  
17 place to prevent the spread of this known dangerous condition of Covid-19 at  
18 the prison under his custodial care and jurisdiction, where in Phillins vs.  
19 Desert Hospital Dist, 49 Cal. 3d 699 (1989)"...the court considered whether  
20 a notice of intention to commence an action activated the notice and defense  
21 waiver provision. It held that a public entity had to treat such notice that  
22 alerted it to the existence of a claim for monetary damages and an impendigg  
23 lawsuit, but failed to comply substantially with the claim presentation requir-  
24 ments of the act, as a defective claim that triggered the operation of the  
25 torts claim provisions..." , in addition, [unless] inexcusable neglect is clear  
26 the policy favoring trial on the merits prevails see Elston v. City of Turlock  
27 38 Cal. 3d 235

1 Defendants demurrer alleging the inadvertant mistake of filing the wrong prison  
2 on the Gov. Claims form, has now been corrected with a new filing by Plaintiff  
3 naming CCI in the claim, therefore satisfying the defect. As to the actual  
4 cause of Plaintiff's injury rgarding the defendant's failure to act"and that  
5 Defendan[s] chose this course in conscious disregard of an excessive risk to  
6 [prisoner's] health." see jackson vs. McIntosh, (9th Cir. 1996) 90 F.3d. 330, 332  
7 ; see also Valentine vs. Collier 455 F. Supp. 3d 308 "The enviornment is a  
8 dormitory, making social distancing in the living quarters impossible. And the  
9 conditions are now eceptionally dire, in that Covid-19 is known to have already  
10 entered the facility...", as this fact directly relates to this ameded complaint  
11 where Defendant B. Cates chose to ignore Covid-19 protocols of having "partitions"  
12 placed btween beds, regarding the CDCR policy protocols implemented regarding  
13 the positioning of the beds in dorms. See Exhibit "A", and "C" regarding  
14 the direct eyewitnesses in their own affidavit who witnessed B. Cates wilfully  
15 ignoring Covid-19 protocols. CCI was and is still under Covid-19 protocols with  
16 procedures that should were suppose to be adherd to in accordance to Kern County  
17 Health, and California Health Care Services. Whereas, in Plata v. Newsom 4:01  
18 CV-01351-JST "Joint Management Conference Statement" clearly outlined the  
19 institutions dangers with overcrowding dorms that would result in inmates being  
20 infected with Covid-19, where this update and information was certainly made  
21 available to (A) Warden B. Cates, where he was fully aware of the dangers of  
22 Covid-19 when Plaintiff was transferred to CCI on June 18, 2020, and not even  
23 quarantined for 14 days before B. Cates ordered institutional transfers and  
24 increased movement that elevated the risk of transmission of Covid-19, the  
25 defendant was also aware that inmates were not cohorted as the defendants had  
26 claimed in Case No.: 01-1351-JST, including the fact no social distancing was  
27 at all available and B. Cates refused to act on positioning the beds as the



1 management safety protocols called for, with having "Partitions" placed in  
 2 between the bunk beds in (dorms) or room with ten (10) beds or more, as this  
 3 Plaintiff pointed out in both dorms at CCI, Clark Hall Lower, and Rex Deal,  
 4 both have over 10 beds, along with the fact Rex Deal dorm was not sanitized or  
 5 cleaned earlier that day on July 10, 2020 by the first mass movement of inmates  
 6 that were moved out earlier that day to Davis Hall on CCI- E- Facility, the  
 7 protocols were ignored with the cleaning and Covid-19 protocols, on this day  
 8 and resulted with the transmission of Covid-19 that injured Plaintiff that  
 9 he was unable to smell or taste the following day, the defendants in this case  
 10 knowingly ignored the safety protocols, of bed positioning and, stated openly  
 11 to the I.A.C. Chairman and his Sergeant of Arms, during a Wardens meeting his  
 12 exact intentions and denial as to not adhering to protocols regarding the  
 13 implemented bed policy by CDCR See Exhibit "A".and supporting facts in eye  
 14 witness accounts of I.A. C. in affidavit see amended complaint at Exhibit"C"  
 15 "Due to CCI population increase in June 2020, where there was an increase in  
 16 stress, tension, communicable diseases, and a high increase in confrontations  
 17 between inmates" as this was the case in CCI Clark Hall low, where a situation  
 18 was decided by "Toussaint v. Yockey (9th Cir. 1984) 722 F.2d 1490, "in which  
 19 the court affirmed a determination of an eighth amendment violation due to  
 20 overcrowding when it " endangers violence, tension, and psychiatric problems"  
 21 i.d at Toussaint v. Yockey 1492. See also Akao v. Shimoda(1987) 832 F.2d 119

22 At all times during the forced movement of Plaintiff the defendant[s] were  
 23 absolutely aware of the dangerous ultra hazardous condition that ultimately  
 24 injured Plaintiff with contracting Covid-19 , where itsb no doubt that this  
 25 defendant B. Cates failed to act and place "partitions" in the dorms, while  
 26 knowing this was implemented to help stop the spread of Covid-19 within the  
 27 facility, where at this time was running rampant throughout the dorms at CCI.





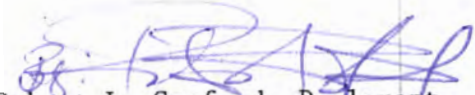
1 California Executive Branch , who implements and authorizes policy and  
 2 protocols, over CDCR and its 34 other agencies, that are under custodial care  
 3 of dependent adults and elderly (inmates) in their care, as this is and was the  
 4 case with Plaintiff on June 18, 2020, at the immediate height of the pandemic  
 5 that is killing inmates "dependent adults" in the care and jurisdiction of CDCR,  
 6 who have been entrusted with the policy and authority to adhere to any and all  
 7 protocols that put dependent adults at any unreasonable risk of danger of harm  
 8 Defendant Gavin Newsom was aware, of these facts during and at the time of the  
 9 violations of his authorized policy and preventive protocols for detention  
 10 centers (prisons) of Covid-19 spreading within the prison system, where it was  
 11 clearly advised and agreed upon by the California Health Care Services were a  
 12 aware of the dangers of "mass movements of high risk inmates (dependent adults)  
 13 between institutions with outbreaks, as well as those with outbreaks was certainly  
 14 placing dependent adults in a significant risk of danger of transmitting or being  
 15 infected with the transmission of Covid -19 between institutions, as Plaintiff  
 16 was deliberately placed in a known dangerous condition when he was transferred  
 17 from SCC to CCI on June 18, 2020, and was then infected with Covid19 within the  
 18 first 23 days of being housed in a contaminated outbreak situation at CCI that  
 19 was allowed to happen by the Governor now named in this amended complaint as  
 20 Defendant Gavin Newsom, where he failed to act a reasonable person in his same  
 21 position and act with not allowing "mass movement" within institutions, and  
 22 between institutions, where he was fully aware of the significant risk of danger  
 23 that this presented regarding the outbreaks of Covid-19, that ultimately caused  
 24 Plaintiff irreparable injury from "long haulers effect".  
 25 With these facts clearly supported by the record and policy of CDCR, where these  
 26 implementations regarding Covid-19 were never adhered to by Agents/Custodians  
 27 appointed by Governor and its control of the Executive Branch where policy of

1 the Department was absolutely refused to be complied with in reagrd to the  
2 positioning of beds, and partitions, inorder to prevent the spread of the  
3 Covid-19 within the institution at CCI, that injured Plaintiff on July 10, 2020,  
4 and again on October 2nd 2020, due to the failure to act of defendan[s].

5 Based upon the foregoing points and authorities in this objection to  
6 defendants deurrer of Plaintiff's first amended complaint, defendants demurrer  
7 fails, and should be dissmised in its entirety.


DECLARATION

I, Robert L. Sanford, the Plaintiff in this instant civil action due declare under the penalty of perjury under the United States Constitution and its laws, and the California Constitution and its laws that the following is true and correct, whereas, Plaintiff was injured with Covid-19 during the months of July and October 2020, while under the custodial care of Defendant Brian Cates Warden(A) at California Correctional Institution (CCI), in the city of Tehachapi, in the county of Kern, where Plaintiff had been forced to mass movements into dorm that were not properly sanitized under Covid-19 protocols in order to prevent the spread of the deadly virus during the height of the Covid Pandemic, where dependent adult Sanford with known pre-existing medical conditions was forced into a known dangerous condition by B. Cates, and injured to the point he will never regain the quality of life he once had before being placed in this known dangerous condition by B, Cates and his agents does 1 through 5, and Governor Newsom, where its a known fact B.Cates refused to act in accordance to CDCR Covid-19 protocols with "bed positioning" and "partitions" between bunks with 10 beds or more in a room/dorm inorder to prevent the spread of Covid-19 from spreading from dorm to dorm,,in which it ultimately did and injured this dependent adult under the custodial care of B. Cates and his agents at CCI, where he now suffers from the "Long Haulers Effect" of Covid-19 with constant headaches, lack of smell and taste, joint pain, and fatigue, his quality of life a greatly diminished since contracting Covid-19 at CCI, under the unsafe conditions, that B. Cates failed to implement inorder to prevent the spread of Covid-19 at CCI- E- facility. I declare under the penalty of perjury that I have read the foregoing and declare under penalty of perjury that the statements made are true and correct.

  
Robert L. Sanford, Declarant

CERTIFICATE OF SERVICE

I, Robert L. Sanford, deposited a original copy of Plaintiff's Objection to Defendants Demurrer to First Amended Complaint; Memorandum of Points and Authorities in the United States Mail at: Sierra Conservation Center (SCC), 5150 O'Byrnes Ferry Road, Jamestown, CA 95327, Pre-Paid Postage to the following person[s] listed below. On this 28th day, of December 2021.

  
Robert L. Sanford

Office of the Attorney General  
ATTN: Colin A. Shaff  
300 S. Spring Street, Suite 172  
Los Angeles, CA 90013

Robert  
Va 507  
Sierra Conservation Center  
5150 O'Brien's Ferry Road  
Jamestown, CA 95327

SIERRA CONSERVATION CENTER  
CA STATE PRISON GENERATED MAIL

US POSTAGE

00002536308 25 2021 \$001.76

To: Office of the Attorney General  
Attn: Colen A. Staff  
300 South Spring Street  
Los Angeles, CA 90013

gt Mark

# EXHIBIT L





Superior Court of California  
County of Kern  
Bakersfield Division H

Date: 03/28/2022

Time: 8:30 AM - 12:00 PM

BCV-21-100477

SANFORD VS NEWSOM

Courtroom Staff

Honorable: Bernard C. Barmann, Jr.

Clerk: Vanessa Cofield

Court reporter: None

Bailiff: Deputy Sheriff

**PARTIES:**

**Present:**

SANFORD, ROBERT L Plaintiff, Present

**Not Present:**

ALLISON, KATHLEEN Defendant

BANICA, U Defendant

CALIFORNIA CORRECTIONAL INSTITUTION Defendant

CATES, B. Defendant

DIAZ, RALPH M Defendant

NEWSOM, GAVIN Defendant

SANDERS, B. Defendant

SCHUYLER, C. Defendant

SHIESHA, S Defendant

CALIFORNIA CORRECTIONAL INSTITUTION (CCI) CDCR

Litigation Coordinator

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

SHAFF, COLIN A Attorney

**NATURE OF PROCEEDINGS: FURTHER CASE MANAGEMENT CONFERENCE**

Hearing Start Time: 8:30 AM

The above-entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

Appearance telephonically by courtcall by Robert L Sanford on behalf of himself.

The Court orders as follows:

Upon the Court's own motion cause is continued to 05/26/22 at 8:30 a.m. in Division H.

The Court authorizes telephonic appearance by courtcall by plaintiff on 05/26/22 at 8:30 a.m.

The civil fast track clerk to notify courtcall re: authorization of the Court for plaintiff to appear telephonically.

A certified copy of minutes mailed to California Correctional Institution, Attention Litigation Coordinator as stated

MINUTES  
Page 1 of 3

SANFORD VS NEWSOM

BCV-21-100477

on the attached declaration of mailing.

Copy of minutes mailed to all parties as stated on the attached certificate of mailing.

- Audio streaming announced.

**FUTURE HEARINGS:**

May 26, 2022 8:30 AM Further Case Management Conference  
Bakersfield Division H  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

---

MINUTES FINALIZED BY: VANESSA COFIELD

ON: MARCH 28, 2022

**CERTIFICATE OF MAILING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minutes dated March 28, 2022* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: March 28, 2022

Place of Mailing: Bakersfield, CA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Tamarah Harber-Pickens**  
CLERK OF THE SUPERIOR COURT

Date: March 28, 2022

By: Vanessa Cofield  
Vanessa Cofield, Deputy Clerk

**MAILING LIST**

ROBERT L SANFORD  
SIERRA CONSERVATION CENTER  
INMATE # V- 25176  
5150 OBYRNES FERRY ROAD  
JAMESTOWN CA 95327

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

CALIFORNIA CORRECTIONAL INSTITUTION CCI  
ATTN LITIGATION COORDINATOR  
PO BOX 1031  
TEHACHAPI CA 93581

DOCKETING  
RECEIVING

2022 APR -1 PM 12:14

ATTORNEY GENERAL  
LOS ANGELES

RECEIVED

2022 APR -1 AM 10:32

ATTORNEY GENERAL  
LOS ANGELES

JS

Case 1:22-cv-01100-KES-CDB Document 1 Filed 08/29/22 Page 315 of 380

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN  
JUSTICE BUILDING  
1215 TRUXTUN AVENUE  
BAKERSFIELD, CA 93301-4619

FIRST-CLASS MAIL

03/29/2022

US POSTAGE \$000.53<sup>0</sup>



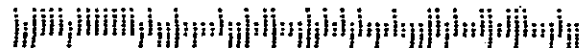
ZIP 93301  
041L12205143

RETURN SERVICE REQUESTED

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

BCV-21-100477

9001331256 0013



# EXHIBIT M



Robert L. Sanford  
V-25176 Bed #55

Growlersburg Conservation Camp #33  
5440 Longview Lane  
Georgetown, CA 95634-9318

In Propria Persona,

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

Robert L. Sanford  
Plaintiff,

vs.

Newsom, et al.,

Case No.: BCV-21-100477 RCB

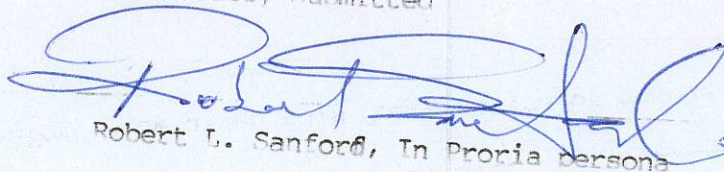
NOTICE OF CHANGE OF ADDRESS

plaintiff, Robert L. Sanford, now gives this Court notice of change of address from Sierra Conservation Center, 5150 O'Byrnes ferry Rd, Jamestown, CA 95327, to my new address at: Growlersburg Conservation Camp #33, 5440 Lonview Lane, Georgetown, CA 95634-9318

This now serves as notice to my address change regarding any matters regarding the civil action case Case No: BCV-21-100477

Date: April 12, 2022

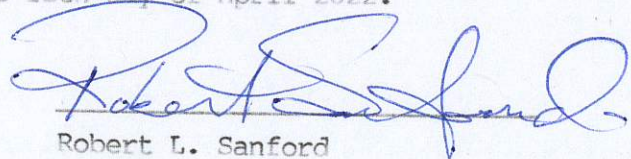
Respectfully Submitted

  
Robert L. Sanford, In Propria Persona



CERTIFICATE OF SERVICE

I, Robert L. Sanford, deposited in the united States Mail one copy, of Notice of Change of Address at: Growlersburg Conservation Camp #33, 5440 Longview Lane, Georgetown, CA 95634-9318, Pre-Paid postage to the following parties/person[s] listed below. On this 12th day of April 2022.

  
Robert L. Sanford

Office of the Attorney General  
Attn: Colin A. Shaff, Deputy Attorney General  
300 S. Spring Street, Suite 172  
Los Angeles, CA 90013

24

MAILED  
300 S. VLS 13 04/12/22  
STANDARD



Robert C. Sanford  
v-20176 Red #88  
Growlersburg Conservation Camp #33  
5440 Longview Lane,  
Georgetown, CA 95634-9318

SACRAMENTO CA 957  
CROWLER 95622 ECRN 703L  
5440 LONGVIEW LANE  
GEORGETOWN, CA 95634  
STATE PRISON



To: Office of the Attorney General  
Attn: Colin A. Staff  
200 S. Spring Street  
Los Angeles, CA 90013

50013-123099



# EXHIBIT N

Robert L. Sanford  
V-25176 #55  
Growlersburg Conservation Camp#33  
5440 Longview Lane  
Georgetown, CA 95634-9318  
In Propria Persona

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

Case No.: BCV-21-100477-BCB

Robert L. Sanford  
Plaintiff,

vs.

Gavin Newsom, et al.,

PLAINTIFF'S OBJECTION TO DEFENDANTS DEMURRER  
TO PLAINTIFF SECOND AMENDED COMPLAINT:  
MEMORANDUM OF POINTS AND AUTHORITIES

Date: May 26, 2022

Time : 8:30 a.m.

Dept : 10

Judge: The Honorable Bernard C. Berman Jr.

Now comes Robert L. Sanford, Objecting to Defendants Demurrer to Complaint; and  
Memorandum of Points and Authorities in its entirety outlined in the following:

PLAINTIFF OBJECTS TO DEMURRERE REGARDING DEFENDANTS  
ALLEGATIONS THAT PLAINTIFF DID NOT COMPLY WITH THE  
GOVERNMENT'S CLAIMS ACT.

(1) Plaintiff Robert L. Sanford now objects to defendants demur, regarding all  
allegations -that Plaintiff failed to comply with Government Claims Act,  
(2) Plaintiff filed a 602 fully exhausting on August 20, 2021 log #CCI-HC-2100699  
and filed a Government Claim on October 14, 2021, that has not been answered  
within 45 working days, therefore, now giving Plaintiff 2 years to file .  
(3) Furthermore, Plaintiff has excercised due diligence, regarding the exhaustion  
of Government Claims Act at every turn in this process, whereas, plaintiff has  
been injured by - the acts of-defendants failing to comply with Covid-19 safety  
protocols within a prison setting that has resulted in injuring Plaintiff, the



1 next, week, the next month or year.

2 (4) Due to Plaintiff being forced to be subjected to a known dangerous condition  
3 that existed at the California Correctional Institution where absolutely no  
4 social distancing was ever made available in the dorm (sleeping areas) and CCI  
5 refused to comply with Bed Positioning Policies and "partitions" between bunks  
6 to prevent the spreading of Covid-19,

7 (5) Where Plaintiff was infected with Covid-19 after waking up in a over-crowded  
8 dorm (Rex-Deal) on July 11, 2020, where Plaintiff was unable to smell or taste,  
9 after being forced in a mass movement to the Rex Deal dorm that was not pre-  
10 cleaned in accordance to Covid-19 protocols resulted in injury to Plaintiff where  
11 he now suffers the next, week, the next month or year.

12 These facts have been out-lined in the Government Complaint form that was submitted  
13 July 21, 2021, and again in grievance complaint regarding unsafe work environment  
14 log # CCI-HC-21000699, See also supporting Evidence at: Exhibit "A" in Objection  
15 to Defendants Demurrer (Document 21007825 Received 9/27/2021).

16 (6) The foregoing facts in support of Plaintiff's objecting to defendants demurrer  
17 now negates and dismisses their allegations completely and entirely with any and  
18 all allegations of failure to comply with Government Claims Act.

19 (7) Furthermore, plaintiff clearly and concisely outlined the same set of facts  
20 regarding the lack of social distancing , the lack of bed positioning and  
21 partitions in bed areas that ultimately caused Plaintiff irreparable injury the  
22 next, week, the next month or year, from this known dangerous condition that  
23 is airborne-from- person-to-person, in any environment where no social distance is  
24 available, therefore, for these reasons defendants demurrer fails in its entirety  
25 and defendants should now have to defend the facts of this issue before a jury  
26 for the fact they deliberately and willfully ignored policies and mandated  
27 protocols set in place in accordance to Covid-19 safety procedures pursuant to



1 Center of Disease Control (CDC), and mandated procedures issued by the Three  
 2 Panel Judges plan of action regarding the overcrowding and known dangers of dorms  
 3 within CDCR institutions, where this has put Plaintiff in a unreasonable risk of  
 4 harm and danger with being subjected to a known dangerous person-to-person air-  
 5 borne diseases (Covid-19), where plaintiff is now suffering next, week, next month  
 6 or year, from this deadly disease, that injured Plaintiff two differnt times at:  
 7 CCI. Where Defendant B. Cates the warden at CCI, and C. Schuyler the Associate  
 8 warden were absolutely aware of these known dangerous conditions that existed  
 9 at CCI and they failed to act with providing Covid-Safety protection, and or  
 10 preventive measures that would have prevented the spraeding of this disease  
 11 within the facility, however, they contributed to the spreading with there  
 12 failure to act and comply with procols that could have prevented Plaintiff  
 13 from now suffering the next, week, the next month or year.

14 PLAINTIFF REQUEST THIS COURT TAKE JUDICIAL NOTICE

15 (8) Attached to this Objection at Exhibit "A" Plaintiff is now submitting a copy  
 16 of Document 21007825 received 9/27/2021, now showing Plaintiff has completed  
 17 Government Complaint Act. Plaintiff,ffurther request this Court take Judicial  
 18 Notice of Declaration of Robert L. Sanford executed on March 21, 2022.

19 (9) Plaintiff request this court take notice of sworn affidavits of Inmate  
 20 advisory Council (IAC) whereas, this council meets with CCI Warden, and Captain  
 21 and all administrators once a month, to get updates and advisory notes regarding  
 22 policy, conditions, and cahanges to regulations rules etc. Plaintiff request this  
 23 Court take judicial notice of the facts regarding protocols and policy that these  
 24 two IAC members are direct -eye-witnesses to statements made by Defendant Brian  
 25 Cates (A) warden CCI, claiming CCI is no longer under mandated Covid-19 Protocols  
 26 whereas, this question was raised during a IAC meeting. Defendant Cates willfull  
 27 and deliberate neglect of denying to comply with the bed positioning of the



1 bunks at CCI where there was no possible way of social distancing, where under  
 2 this policy the mandate called for partitions to be placed between bunks that  
 3 had ten (10) beds in a room or (dorm), in order to prevent the spreading of the  
 4 deadly Covid-19 virus.

5 (10) For the fact Defendant[s] Cates and Schuyler were directly aware of the  
 6 known dangerous conditions that were ongoing at CCI-E-Facility and wilfully and  
 7 deliberately ignored the dangers of what was causing the spreading of this  
 8 virus, due to the fact Cates had decided to save money with closing the E-facility  
 9 ahead of the scheduled closure of this facility in June 2022, therefore not  
 10 adhering to safety mandated protocols that required spending of funds that were  
 11 allocated to Covid-19 mandated policies, and court orders issued by the three  
 12 panel Judges regarding the emergency protocols that were implemented in order  
 13 to prevent the spreading of Covid-19 and its variants.

14 (11) Defendant[s] failure to act to a known dangerous condition that has caused  
 15 the injury of this Plaintiff was above and beyond negligent, with their failure  
 16 to use skill and care that a reasonably careful professional operating in the  
 17 field would have used in similar circumstances regarding the mandated emergency  
 18 protocols, where the proximately causes were plaintiff now having to be damaged  
 19 and injured due to this failure, were plaintiff suffers from a diminished quality  
 20 of life, the next, week, the next month or year.

21 (12) Plaintiff refutes, rebuts, and objects to Defendants demurrer in its  
 22 entirety, whereas, Plaintiff has brought sufficient facts to the attention of  
 23 this Court in the original complaint, the amended complaint, and now this  
 24 second amended complaint regarding the named defendant[s] B. Cates, and C.  
 25 Schuyler, whose direct involvement with failing to comply to mandated Covid-19  
 26 procedures and protocols, that resulted in contributing to spreading the virus  
 27 at CCI and injuring Plaintiff on two different occasions at this facility

1 (13) The fact defendant(s] acted with reckless and deliberate disregard to the  
 2 known dangers of Covid-19, where they totally ignored the CDC Guidelines for  
 3 Detention Centers and Prisons, including the fact they did not adhere to policy  
 4 issued by the Three Panel Judges, regarding the Bed Positioning when social  
 5 distancing was impossible, in which it was at \_- Facility-E-CCI, partitions  
 6 were required to help prevent the spread, along with CCI following the mandated  
 7 disinfecting procedures and safety protocols, in which they failed to follow  
 8 that ultimately resulted in injuring Plaintiff, the next, week, the next month  
 9 or year.

10 (14) Defendant[s] allegations at (pp. 10 and 11) alledging Plaintiff has not filed  
 11 his Gov. Claims with DGS is untrue, and now defendants demurrer fails, as  
 12 Plaintiff objects to their allegation and now presents evidence that refutes  
 13 this allegation, and Plaintiff should be able to be heard on the merits of  
 14 this second amended complaint before a jury.

15 15. Defendants are more concerned with attempting to dismiss this complaint  
 16 on a error of a Gov. claim instead of facing the facts as to what they failed  
 17 to comply with that caused Plaintiff intentional harm where they were aware  
 18 of the dangerous conditions surrounding the Covid-19 airborne person-to-person  
 19 virus that clearly existed within the E-facility at CCI in July 2020, and  
 20 October 2020, that infected Plaintiff on two separate times, once in the over-  
 21 crowded dorm Rex Deal after being forced to move into it by orders of Cates,  
 22 and Schuyler, where they were aware of the known dangerous conditions, along  
 23 with the dangers of unsanitized dorm conditions not in compliance with Covid-19  
 24 safety protocols, where if they did not know they should have been made aware.

25 (16) Defendants are not immune from liability at pp.13 L.9-13, as defendants  
 26 were aware of the known hazardous dangerous conditions that existed from the  
 27 deadly Covid-19 virus, and failed to take reasonable action to abate the known

1 dangerous ultra hazardous condition that was allowed to exist and continue the  
 2 spreading of Covid-19 within this facility, and now defendants are assuming  
 3 immune liability in their response to plaintiff's second amended complaint,  
 4 their demurrer at: p. (See pp. 14-15.) asserts that Covid-19 mandated protocols  
 5 with cleaning and disinfecting, along with housing inmates in dorms with poor  
 6 ventilation, dorms that are severely overcrowded, are all discretionary acts  
 7 of Defendants Cates and Schuyler, their discretionary policy-making was allowed  
 8 under immune liability to continue operating these known dangerous and ultra -  
 9 hazardous conditions even with the emergency mandated Covid-19 procedures that  
 10 were mandated to create six feet of social distancing, the three panel Judges  
 11 implemented policy where when it is impossible to social distance (See SAC at:  
 12 Exhibit "A") "partitions" are to be placed between bunks that have 10 beds or  
 13 more, C. Schuyler was aware of this fact on July 5, 2020, when plaintiff con-  
 14 fronted him to the known dangerous condition that obviously existed in CHL dorm.  
 15 (17) The fact that defendants refused to comply with implementing protective  
 16 safety procedures with protecting Plaintiff from the dangerous condition that  
 17 they were aware of concerning how the spreading of Covid-19 was injuring inmates  
 18 in the overcrowded dorms that provided no safety Bed Positioning, or Partitions  
 19 when social distancing was not available, Defendant Cates, is liable for his  
 20 deliberate willfull acts, where he was aware that Covid-19 was and is a virus  
 21 that is airborne from Person-to-person, there are no discretionary acts to how  
 22 Covid-19 safety protocols can or should be ignored, especially in a over-crowded  
 23 ]dorm setting that has more than 100 inmates sleeping less than 3 feet apart,  
 24 and doubled bunked to make matters even worse, Plaintiff was deliberately put  
 25 in this known dangerous condition, on July 10, 2020, where the cleaning protocols  
 26 where absolutely violated by CCI, under the direct orders of Cates, and Schuyler  
 27 and injured this Plaintiff where they allowed cross contamination and contibuted



1 contributed to the spreading of the Covid-19 disease within the CCI-E-Facility  
2 that resulted in injuring Plaintiff with infection, the next, week, the next  
3 month or year.

4 (18) Plaintiff absolutely refutes, rebuts, and objects to Defendants contention  
5 that Plaintiff has failed to allege any facts sufficient to establish the elem-  
6 ents of any cause of action, at pp.15-16. The elements that Plaintiff has es-  
7 tablished, where Defendants deliberate negligence and willfull neglect of doing  
8 what could be considered the a responsible act with providing the necessary  
9 safety protections against the spreading of this virus; their failure to cat to  
10 a known ultra hazardous condition, was and is a willful negligent act that has  
11 resulted in causing Plaintiff unnecessary pain and suffering, of not being able  
12 to smell or taste, headaches, coughing of blood, joint pain, and a on going  
13 health concern that has diminished Plaintiff's quality of life, the next, week,  
14 the next month or year.

15 (19) The element of negligence, certainly accounts for a relevant dispositive  
16 inquiry as to what dangers are associated with the deadly Covid-19 virus, and  
17 its varients, and to whether any reasonable [official] would identify that the  
18 conduct was unlawful in the situation Plaintiff has described in this second  
19 amended complaint, that clearly shows the negligence on part of Defendants,  
20 placed Plaintiff at an unraesonable risk of harm and danger inrelations to the  
21 the Covid-19 Pandemic. The negligent response of Defendants regarding the  
22 policies implemented from the CDC, and Three panel Judges, in response to  
23 the Covid-19 pandemic, were guidelines that were in place to prevent the spread-  
24 ing of the virus, due to the failure of Defendants, to comply with these safety  
25 mandated protocols, has caused Plaintiff irreparable injury to the point his  
26 quality of life has greatly been diminished, the next, week, the next month or  
27 year. Due to the negligent acts of defendants Cates, Schyler, Newsom who allowed



1 on going deliberate acts to go on within the CDCR dorm settings, where the  
 2 Governor Gavin Newsom was certainly made aware that these dangerous conditions  
 3 existed due to the deadly virus Covid-19, this is why he issued a mandatory  
 4 emergency order in the State of California that also included CCI/CDCR to comply  
 5 with the social distancing order, and mandated safety protocols that included  
 6 mandated masks wearing, mandated social distancing, mandated pre-Covid-19 cleaning  
 7 policies, that CCI deliberately violated where they never had a pre-cleaning of  
 8 dorms in accordance Covid-19 safety protocols, they never had written job descrip-  
 9 for assigned porters in dorms where they followed these guidelines of CDC, or  
 10 CDCR.

11 (20) Moreover, defendants claim that these were discretionary with following the  
 12 safety protocols when social distancing was not possible in rooms with 10 beds  
 13 or more in detention centers or prisons, Bed Positioning is required including  
 14 partitions between bunks. These are not discretionary policies issued by the CDC,  
 15 The Three panel Judges where this Court noted that Covid-19 poses a substantial  
 16 risk of serious harm" to prisoners See Plata v. Newsom, 445 F. Supp.3d 557,559  
 17 (N.D. Cal Apr.17 2020), and with defendant's in this matter ignoring these risk  
 18 constitutes negligence that is now a cause to action regarding the injury it has  
 19 now caused Plaintiff the next, week, the next month or year.

20 (21) As for the discretionary act that was made available for the defendants to  
 21 act upon, they failed to act, with removing Plaintiff from the known dangerous  
 22 condition that continued to put Plaintiff at an unreasonable risk of harm,  
 23 whereas, defendants had available specific authorities at their disposal to have  
 24 Plaintiff either removed from the dangerous condition or released on early pa  
 25 role due to his pre-existing medical conditions that placed him at a higher risk  
 26 of harm or danger due to the Covid-19, Plaintiff made this request in a 602  
 27 directed to Cates, where Plaintiff was arbitrarily denied early parole under



1 Cal. Penal. Code §1170(d), where Plaintiff actually qualifies for, after fully  
 2 completing his primary term offense, as Plaintiff has no security or unnecessary  
 3 risk factors where he possess any unreasonable risk to society, as Plaintiff has  
 4 certainly complied with all the rehabilitation requirements of the Department,  
 5 including with participating in on going rehabilitation throughout his entire  
 6 term of incarceration, however, even with Plaintiff having a "Development of the  
 7 California Static Risk Assessment (CSRA): As Plaintiff risk is 1/low the lowest  
 8 under this Policy, where this policy is supposed to be used by CDCR with utilizing  
 9 the CSRA in several key initiatives. In response to prison overcrowding..."

10 This was a discretionary act available for defendant[s] to use but was ignored  
 11 as their negligence, with utilizing reasonable means of protecting high risk  
 12 inmates from this known deadly virus, by removing them from known dangerous  
 13 conditions, as Plaintiff now brings a current fact to light regarding the same  
 14 factors that brought rise to this complaint: " Plaintiff was recently infected  
 15 with Covid-19 for a third time on February 14, 2022 at SCC, from where Plaintiff  
 16 was sent from to CCI, on June 18, 2020, and then ping ponged back to the same  
 17 known ongoing dangerous conditions, the reasonable act that defendant[s] at both  
 18 both facilities are failing to use their discretionary authority with removing  
 19 plaintiff from this known dangerous condition, the P.C. 1170(d) was and still  
 20 is available for Defendants to act upon, but due to Plaintiff being a person  
 21 that speaks or advocates his legal rights regarding the known dangers of this  
 22 deadly virus Covid-19 that has resulted in injuring plaintiff with ongoing pain  
 23 and suffering, the next, week, the next month or year. (See attached letters  
 24 requesting 1170(d) to the Warden Cates at CCI, the Warden Eaton at SCC, and  
 25 request to The Secretary of CDCR, including their response, and Plaintiff's  
 26 reply and supporting documents proving Plaintiff has ongoing rehabilitation  
 27 programing including College that he is still currently enrolled at Exhibit" 8" .

(21) Here the elements of a cause of action regarding the negligence, where defendants failure to use skill and/or care that a reasonable careful professional operating in the field would have used in similar circumstances, which failure Proximately causes damage to the plaintiff: Their failure to comply with mandated policies, that were implemented around the emergency Covid-19 pandemic, and the the ones that were discretionary such as the removal of Plaintiff with early parole under §1170(d), clearly amounts to negligence in this civil action, where Plaintiff now refutes, rebuts, and objects to Defendants Demurrer in its entirety as due to Defendants negligence plaintiff is suffering, the next, week, the next month or year.

(22) Defendants Allegations that Plaintiff did not state sufficient facts to bring a cause of action for violation of California Penal Code section 368(b), are hereby rebutted, refuted, and objected to in its entirety, because its a fact a fiduciary relationship existed between the Plaintiff and Defendant[s] Cates, Schuyler, and Newsom, whereas, civil penalties do exist under the Dependent Adult Abuse Theory, pursuant to "Violation of §201 (a) The Civil Rights Act of 1964, 78 Stat. 241; Section 202 of Title 11 of the Civil Rights Act of 1964 "affirmatively declares that all person[s] shall be entitled to be free, at any establishment or place, from discrimination or segregation of "any" kind. On the ground of race, color, religion , or national orgin, if such discrimination is or purports to be required by any, law, statute, ordinance, regulation, rule, and/or order of [a] State --including any agency (CDCR) or political subdivision thereof (CCI) in this case. Finally §203 of the Act prohibits the withholding or denial, etc, of any person with the purpose of interfering with any such right or the punishing, etc, of any person excercising or attempting to exercise any such right. Cal. Const. Article I, §31"

(23) Plaintiff has been dependent upon Defendants with providing Plaintiff with

1 reasonable protection from any known dangerous condition, that can cause him  
2 an unreasonable risk of harm such as Covid-19. Plaintiff was not afforded any  
3 reasonable protection from a known dangerous condition that existed on E- facility  
4 at CCI under the custodial care of B. Gates, C. Schuyler, and Gavin Newsom the  
5 defendants named in this civil action, Plaintiff's scolded amended complaint  
6 clearly presents sufficient facts to support a cause of action for Defendants  
7 named in this action to be held liable for their deliberate and willfull acts  
8 of failing to comply with protocols to abate a known dangerous condition that  
9 resulted in injuring Plaintiff a "depeendent adult" th next, week, the next month  
10 or year, with a diminished quality of life LONG HAULERS EFFECT.

11 (24) Plaintiff has plead sufficient facts to overcome any and all alleagtions  
12 of defendants demurrer to Plaintiff' s second Amended Complaint, that now should  
13 be granted without further delay, because the injury is ongoing and plaintiff  
14 has submitted supporting facts and evidence that can and should be presented  
15 before a jury. Plaintiff objects to defendants demurrer in its entirety.

16  
17 //

18  
19  
20  
21  
22  
23 /

24

25

26

27



## POINTS AND AUTHORITIES

1

2 (25) Plaintiff brings this civil action against CDCR employees, B. Cates, C.

3 Schyuler, and the executive branch Governor Gavin Newsom. Whereas Warden of CCI

4 B. Cates, and Associate warden CCI, C. Schuyler, both had first hand knowledge

5 of a known dangerous condition and both failed to comply with policy that was

6 mandated protocols that were implemented by Government agencies Guidelines the

7 CDC, and the Three Panel Judges implementations to the known substantial risk

8 of serious harm that the Covid-19 virus was causing injury to inmates, ; See

9 Plata v. newsom, 445 F. Supp. 3d 557, 559 (N.D. Cal. Apr. 17 2020)

10 (26) Defendants were aware that the transmissibility of Covid-19 virus especially

11 in conjunction with the known dangerous conditions that Plaintiff was forced to

12 be subjected to, where these known dangerous conditions put Plaintiff at substantial

13 risk of suffering serious harm, combined with the deliberate acts of severe over-

14 crowded dorms, that was well known throughout the Department (CDCR) that social

15 distancing was (absolutely) not available, therefore rooms with 10 beds or more

16 were to have Bed Positioning and partitions between bunks, where defendants in

17 this facility failed to comply with, due to their budget concerns, as stated by

18 staff C/O Bliss who was plaintiff's direct supervisor, whom confirmed the Warden

19 Cates was refusing to spend money on safety protocols such as partitions between

20 bunks, because he refused to do patch work at the E-facility due to the imminent

21 closure of this facility tha that was scheduled for June 2022, this defendant

22 decided to close this facility 10 months ahead of schedule, while the known

23 dangerous condition was ongoing he failed to act with implementing safety protocols

24 to the known dangerous conditions putting Plaintiff in a substantial risk of

25 harm that resulted in Plaintiff being infected with Covid-19 two different times

26 where plaintiff now suffers from Long Haulers Effect the next, week, next month

27 or year.

1 (27) Plaintiff has complied with Gov. Claims Act See Supporting Documents,  
2 at Exhibit "A", therefore Defendants claim that alleges plaintiff failed to  
3 comply with this fails, and Plaintiff should be allowed to have these facts  
4 in the Second Amended Complaint presented before a jury.

5 (28) Plaintiff has presented cognizable claim to a cause of action, where Plaintiff  
6 was deliberately subjected to aknown dangerous Condition that resulted in him  
7 being injured is a constitutional violation that rises to a Eighth Amendment  
8 violation pursuant to Estelle v. Gamble 429 U.S. 97, where defendants deliberate  
9 in difference to a known dagerous condition that existed within CCI-E-Facility  
10 where Plaintiff was subjected to unwanton pain and suffering, whereas, defenad-  
11 ants failure to respond to a known dangerous condition, where defendants in this  
12 Second Amended Compalint intentionally interferred with safety protocols that  
13 could have prevented the spreading of Covid-19, where there failure to act has  
14 resulted in Plaintiff being infected with this known deadly disease, Supra,  
15 at Plata v. Newsom 445 F. Supp. 3d 557, 559,: Regardless of how evidenced,  
16 deliberate ind-ifference to a prisoner's serious illness or injury states a  
17 cause of action.

18 (29) Furthermore, the negligence that Plaintiff has objected to regarding the  
19 defendants claim that Plaintiff did not provide elements to support a claim of  
20 negligence also fails in its entirety, where defendants failure to act to a known  
21 dangerous condition that they knew to exist that was injuring prisoners in their  
22 care where they chose this course in conscious disregard of an excessive risk  
23 to (Plaintiff's) health." See Jackson v. McIntosh (9th Cir. 1996) 90 F.3d, 330  
24 , 332; See also valentine v. Collier 455 F. Supp. 3d 308; "Thje enviornment is  
25 a dormitory, making social distancing in living quarters impossible. And now  
26 the conditions are exceptionally dire to the Covid-19 virus transmissibility  
27 in conjuntion with overcrowded dorms, and un-sanitized or disinfected areas

1 and dorms that plaintiff was forced to be subjected to under direct and clear  
 2 orders of Warden Cates on July 10, 2020, that after waking the following morning  
 3 in this known dangerous condition Plaintiff was infected with the Covid-19  
 4 virus. The defendant[s] failed to follow CDC Guidelines (4) with not allowing  
 5 mass movement within a known infected facility in order to prevent the spreading  
 6 of Covid-19 within the facility- including the pre-cleaning of any living areas  
 7 with disinfecting in accordance to Covid-19 protocols... Defendants failed to  
 8 follow these guidelines that resulted in harming Plaintiff from this known  
 9 dangerous condition, where he is unable to smell, taste, joint pain, coughing  
 10 of blood, headaches (Long Haulers Effect) ; Defendants failure to act to this  
 11 known dangerous condition constitutes a unnecessary and wanton infliction of  
 12 Pain proscribed by U.S. Const. amend VIII... Estelle v Gamble 429 U.S. 97  
 13 Defendant Cates, even admitted that he was not following Bed Positioning policies  
 14 during a IAC meeting where IAC Chairman Richard Broussard, and Parvin Tanner  
 15 were direct eyewitnesses to this fact and both submitted sworn affidavits, See  
 16 Second Amended Complaint at Exhibit "C".

17 (30) As the question of qualified immunity was raised by defendants, as to their  
 18 deliberate and willful acts with failing to act to a known dangerous condition is  
 19 excused because their acts were discretionary fail, because the emergency Covid-  
 20 19 protocols were and are mandatory due to the serious dangers the deadly disease  
 21 causes harm and imminent death, this matter was clearly outlined by Plata v.  
 22 Newsom 4:01-CV-01351-JST " Joint Management Conference Statement" declaring the  
 23 institutions dangers with-overcrowding dorms, results with inmates being infected  
 24 with Covid-19, Plaintiff was able to directly express these dangerous conditions  
 25 to Defendant Schuyler on July 5, 2020, explaining that Plaintiff was mixed in with  
 26 known infected inmates, and was not quarantined for the standard 14 day  
 27 mandated quarantine called for at CCI, Plaintiff has pre-existing medical issues



1 that placed him at a higher risk of imminent danger from the Covid-19 virus  
 2 where defendants claim they created cohorts to separate inmates is greatly  
 3 exaggerated and untrue, because even with the beds that were suppose to separate  
 4 these so called 8 man cohorts were being used to house inmates on these bunks,  
 5 where, this Plaintiff was assigned to Clark Hall Upper 114L a bed that was listed  
 6 as a Covid-19 separation bed, but I was housed less than 3feet feet away from  
 7 another cohort, defendants were aware of the impossible fact they could not  
 8 create social distancing; and this does not qualify for immunity when they were  
 9 aware these dangers existed and did nothing to abate it with equipment that was  
 10 available to prevent the spreading of the Covid-19 within the CCI-E-facility  
 11 "Bed Positioning" and "Partitions" Due to population increase that also was  
 12 another contributing vector to the rapid spreading of Covid-19 at CCI, where  
 13 there was an increase in stress, tension, communicable diseases, and a high in-  
 14 crease in confrontations between inmates at CCI: see Toussaint v. Yockey (9th Cir  
 15 1984) 722 F.2d 1490, " Where the court affirmed a determination of an eighth  
 16 amendment violation due to overcrowding when ' it endangers violence, tension,  
 17 and psychiatric problems" I.d. at Toussaint v. Yockey 1492, See also Akao v  
 18 Shimoda (1987) 832 F. 2d 119, whereas, this question of qualified immunity must  
 19 answer two questions(2) by the court,: (1) was the law governing the state official  
 20 conduct clearly established;,: (2) Under the law could a reasonable state official  
 21 have believed his conduct was lawful? to determine whether the law is clearly  
 22 established, the court cannot look at general principles of law, but must under  
 23 take, an inquiry in light of the specific context of the case. The relevant  
 24 dispositive inquiry is whether it would be clear to a raesonable official that  
 25 the conduct was unlawful in the situation being confronted, if the law did not  
 26 put officials on notice that their conduct would be clearly unlawful, summary  
 27 judgement based on qualified immunity is appropriate. However, this is not the

1 Case in this instant matter concerning defendants Cates, Schuyler to act to a  
 2 known dangerous condition of Covid-19 that was injuring inmates (Plaintiff)  
 3 at CCI-E-facility in accordance to Saucier v. Katz 533 U.S. 194, 201, 150 LEd.2  
 4 d 272, 121, S. Ct. 2151 (2001) " The relevant dispositive inquiry... is whether  
 5 it be clear to a reasonable [official] that his conduct was unlawful in the sit-  
 6 uation he confronted. "Starr v. Baca 652 F.3d 1202, 1207 (9th Cir. 1989)""Rather  
 7 the requisite causal connection is established when a supervisor set[s] in motion  
 8 a series of acts by others, or knowingly refuses to terminate a series of acts  
 9 by others which [the supervisor] may also be held liable for his culpable action  
 10 or inaction in the training, supervision or control of his subordinates..." The  
 11 existence of actual injury is indisputable, where CDCDR/CCI continues to operate  
 12 a ultra-hazardous activity, which, provides that one who under takes an ultra  
 13 hazardous activity, regardless of the amount of care he uses. see Pierce v.  
 14 Pacific Gas & Electric Co. (1985) 166 Cal. App. 3d. 68, 85, Defendants Cates  
 15 and Schuyler were at all times aware of this dangerous ultra-hazrdous condition.  
 16 (31) Due to the negligence of defendants failing to act to this known dangerous  
 17 condition that resulted in injuring and causing Plaintiff serious medical harm,  
 18 they failed to comply with Covid-19 prevention 8 CCR 3205(F)(G)(H)(3),  
 19 the negligence facts stated in the Second Amended Complaint should be accepted  
 20 as true, and allowed to be presented before a jury, in accordance to Estelle  
 21 v. Gamble Supra .

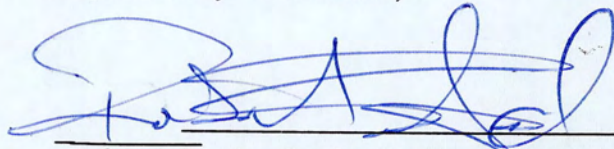
#### 22 CONCLUSION

23 Plaintiff has plead sufficient facts in his Objection to Defendants demurrer  
 24 to Plaintiff's second amended complaint where now this objection to the allegations  
 25 presented by defendants should fail absolutely and in its entirety because  
 26 Plaintiff has made a cognizable claim to have the facts and elements of his  
 27 ongoing injury that was caused by the willful and deliberate acts of defendants

1 resulting in Plaintiff suffering injury ; the next, week, the next month or  
2 year. Plaintiff is ready to proceed to trial with this civil action that has  
3 caused irreparable damage.

4 May 07, 2022

5  
6  
7 Respectfully Submitted,

8   
9

10 Robert L. Sanford, In Pro Priia Persona  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27



PROOF OF SERVICE  
(Cal. Rules of Court, Rule 1,210.50)

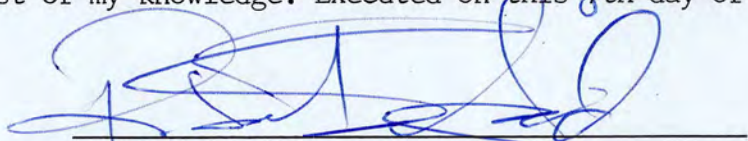
I, Robert L. Sanford, declare that I am over the age of 18 years of age and the party Plaintiff in this civil action tort claim, at all times; I am a inmate prisoner in the Growlersburg Conservation Camp#33, 5440 Longview Lane, Georgetown, CA 95634-9318, in the County of El Dorado, where the mailing occurs; and Plaintiff's address is: Growlersburg Conservation Camp #33, 5440 Longview Lane, Georgetown, CA 09634-9318

I, further declare that I am really and readily familiar with the business practices for collection and processing of correspondences for mailing with the United States Postal Service, this same day in the ordinary course of business

On this 07 day, of May 2022, the Plaintiff in the above mentioned complaint caused to be served the following document[s]; Plaintiff's Objection To Defendants Demurrer to Plaintiff's Second Amended Complaint, that incorporates paragraphs 1-31, Memorandum of Points and Authorities, in this civil tort action, by placing a true copy of each document; in a separate envelope addressed respectfully, as follows:

OFFICE OF THE ATTORNEY GENERAL FOR THE STATE OF CALIFORNIA, Attn: Colin A. Shaff  
300 S. Spring Street, Suite 1702, Los Angeles, CA 90013

I, Declare under the penalty of perjury under the laws of the United States Constitution and of the State of California Constitution that the foregoing is true and correct to the best of my knowledge. Executed on this 7th day of May, 2022.



Robert L. Sanford

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EXHIBIT "A"





03/09/2022

Robert L. Sanford V25176  
PO Box 608  
Tehachapi, CA 93581

RE: Document 21007825 Received 9/27/2021 for Robert L. Sanford V25176

Dear Robert L. Sanford,

The documents you submitted on 9/27/2021, failed to comply with Government Code section 905.2(c). If you wish to file a claim with the Government Claims Program (GCP), please submit the \$25 filing fee by check or money order made payable to the Government Claims Program (GCP). If you are unable to pay the filing fee, you may provide a Filing Fee Waiver Request. The Filing Fee Waiver Request form can be downloaded from [www.dgs.ca.gov/orim/Forms.aspx](http://www.dgs.ca.gov/orim/Forms.aspx)

**IMPORTANT NOTICE:**

In order for tort claims to be considered timely, they must comply with the requirements of Government Code sections 905.2(c), 910 and 910.2, and be presented within six months of the original date of incident (see Government Code Section 901 and 911.2). If you respond later than six months, but prior to one year from the original date of incident, you must apply without delay for leave to present a late claim (Government Code Sections 911.2 through 911.4, inclusive, 946.6).

In order for contract claims to be considered timely, they must comply with the requirements of Government Code sections 905.2(c), 910, and 910.2, and be presented within one year of the original date of incident (see Government Code Section 901 and 911.2).

The GCP has no jurisdiction over tort or contract claims presented more than one year from the date of incident.

If you are an inmate, we must receive the \$25 filing fee or Filing Fee Waiver Request with a certified copy of your inmate trust fund account, before we can process your originally submitted documents.

If you have questions about this matter, please feel free to contact GCP by phone, mail, or email using the contact information below. Please remember to reference the assigned claim number (21007825) in your communication.

Sincerely,

Government Claims Program  
[gcinfo@dgs.ca.gov](mailto:gcinfo@dgs.ca.gov)



Robert L. Sanford  
V-25176 A-15-12L  
Sierra Conservation Center  
5150 O'Byrnes Ferry Rd.  
Jamestown, CA 95327

March, 23, 2022

Office Of Risk and Insurance Management  
Department of General Services  
707 Third Street, First Floor  
West Sacramento, CA 95605

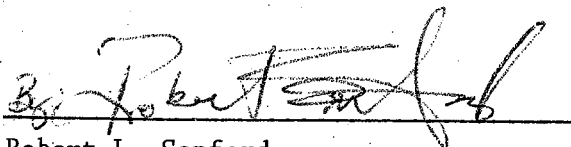
RE: Document 21007825, Received 9/27/2021 for Robert L. Sanford V-25176

Dear Risk and Insurance Management Representative,

In response to your latest letter, explaining that I failed to comply with the Government Code section 905(c).

Please Note: I am now complying timely to the Gov. Code. sec 910 and 910.2 where I have submitted this document in accordance to inmate prison "Mail Box Rule" with submitting the fee waiver for the filing fee of \$25.00 with FEE WAIVER REQUEST. I now have meet the requirements with processing this matter timely.

Sincerley,

A handwritten signature in black ink, appearing to read "Robert L. Sanford", is written over a horizontal line.

Robert L. Sanford

/cc/ Government Claims Program

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

EXHIBIT "B"

Robert L. Sanford  
V-25176 A-15-12L  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

March 11, 2022

Attn: Warden, Mr. Patrick Eaton  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

RE: Reply to your Letter Dated February 17, 2022 regarding Cal. PC1170(d)(1)

Mr. Eaton:

I, am now responding to your letter dated February 17, 2022, requesting consideration of PC 1170(d)(1) "Recall of Commitment".

Whereas, you said you contacted Classification Services Unit (CSU) whom is responsible for reviewing criteria for referral pursuant to PC 1170(d), in accordance to California Code of Regulations (CCR), Title 15, § 3076.1(a)(1) "Recommendations for Exceptional Conduct".

However, you also stated in your response, that this unit forwarded this criteria for potential referral to this unit to review exceptional conduct....; you then stated in your last paragraph, you reviewed the Strategic Offender Management System (SOMS) and (ERMS) in regards to my request, stating: "unfortunately, there is no documentation of any prolonged participation in rehabilitative programming."

Mr. Eaton I find this statement to be in error regarding "there is no documentation of any prolonged participation in rehabilitative programming"; there must be a possible misplacing of these documents in my ERMS and SOMS file (Please see attached documentation of my prolonged participation in Rehabilitative programming).

Including the fact I have been a active college student participant, in Coastline Distant Learning earning educational milestone credits, and I currently enroled into Lake Tahoe College here at SCC.

Moreover, before I was transferred to CCI, from SCC on June 18, 2020, I was then a active participant in SCC DRP Program (Al-anon, and was on waiting list for AA/NA).

Due to the early closing of CCI-E-Facility, and my custody level now Minimum -B,; I was transferred back to SCC on November 9, 2021, pending camp placement

I was told before leaving CCI, by my Correctional Counselor I, J. Clayborn, that he sent a e-mail to Correctional Counselor III, Welch who forwards the file Sacramento for "Recall of Commitment". I was told by CC-I Clayborn that he sent this e-mail on June 28, 2021, because I met all the criteria for referral for PC 1170(d) no RVR within the last five years, including the fact I have served more than 10 years of my sentence, where this qualified me under CCR §3076.1(a)(1).

Since arriving here at SCC pending camp placement, I have been actively doing my programming, with obtaining employment at SCC-Library as a clerk. I was recently informed by my counselor CC-I, Shottegen, my transfer to camp was stopped due to a medical hold, regarding a cancer screening test; that is now scheduled for surgery (colonoscopy) in order to clear me to be housed at camp Full Duty.

I would also like to bring to your attention that I have pre-existing medical issues due to contracting Covid-19 due to the unsafe dorm conditions, that are on going "Long Haulers Effect" where I contracted this virus twice at CCI, and now on February 14, 2022 I was diagnosed again. For the fact I am 58 years old, and High Risk for Covid where I am already suffering the next week, the next month or year.

Although I do my best to maintain a positive and optimistic mind set, my circumstances surrounding my deteriorating health weighs heavily, where I believe, for the reasons described herein should warrant a consideration for PC 1170(d).

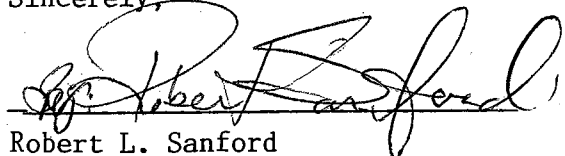
Following the fact my CSRA score is 1/low, and I pose no unnecessary risk to public safety.

Furthermore, I have family and community support, and upon release viable employment opportunities awaiting, along with the fact I plan to continue participating in rehabilitative programs with attending AA/NA meetings.

Mr. Eaton I hope I have now provided you with enough information that would now allow you to recommend my case before the Secretary of CDCR Kathleen Allison for final approval for "Recall of Commitment" PC 1170(d) (Please see recent correspondence letter from January 12, 2022, regarding my request to see if my referral from CCI was on the exceptional conduct list,...however, it does appear on the 667(a) log...).

Thank you, for your time with this matter Mr. Eaton

Sincerely;



Robert L. Sanford  
/cc/Sec. CDCR K. Allison

NAME and NUMBER      **SANFORD    V-25176    D3-201L**

CDC-128-B REV4/74

On 8 April 2010 inmate **SANFORD, R., V-25176, D3-201L** completed his **thirteenth (13<sup>th</sup>)** week of **NA Close Custody Program**. Inmate **SANFORD** has been a very active member of the NA Group. I recommend that he continues with his participation in this group. Please keep up the good work and **KEEP COMING BACK!**

Orig:      C-File  
cc:      CCH  
         CCI  
         Inmate  
         File

  
**E. PRIDE**

Sponsor – Facility 'D' AA/NA  
Close Custody Groups  
Ironwood State Prison

8 April 2010

Ironwood State Prison

**GENERAL CHRONO**



Year-to-Date Student Report  
For the period 1 Jul 1996 through 18 Apr 2004

Student Name	DOB	Type	Gender	Ethnicity	First Att. Date	Last Att. Date	Hours
Sanford, Robert	11/29/63	CE	M	Black			
NCCF Drug Education Mulkey, Dennis MTWThF	12:30 PM-3:30 PM	42233			10/22/2003	02/13/2004	77
NCCF Drug Education Mulkey, Dennis MTWThF	8:30 AM-11:30 AM	42232			10/24/2003	01/16/2004	22
NCCF Parenting/Child Development Ferguson, Geraldine MTWThF	8:30 AM-11:30 AM	76046			12/30/2003	02/11/2004	20
NCCF Job Skills Training Espinoza, Yolanda Tuesday	6:00 PM-8:00 PM	76237			01/06/2004	02/10/2004	10
NCCF Personal Relationships Ferguson, Geraldine MTWThF	8:30 AM-11:30 AM	76494			01/06/2004	02/12/2004	29
NCCF High School Subjects Cerna, Marco WedThu	6:00 PM-9:00 PM	23733			01/07/2004	02/12/2004	36

194

1 students

194

May 1, 2018

Re: Robert L. Sanford

CDC#: V-25176

To the Parole Board:

Robert has been an active participant in our Red Ladder Theatre Company workshops at Soledad for over six months. We use improvisational theatre as a means of developing positive life skills. He has had an important role in creating a short play regarding self-esteem, peer pressure and bullying for middle school students, which we plan on taking into schools this spring.

He has been a leader by example in the Red Ladder process. Robert is always ready to jump in wherever he's needed, and his quiet, kind demeanor affords others an opportunity to join in the collaboration. We have all benefited from his participation.

If you have any questions, please don't hesitate to contact me. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "John McCluggage", with a long horizontal line extending to the right.

John McCluggage

Director, Red Ladder Theatre Company

Johnm1492@live.com



# Certificate of Graduation

*Awarded to*

**Robert Sanford**

Peacemaker

For the successful completion of the year long  
**GRIP Program**

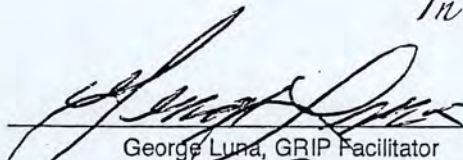
**'Guiding Rage Into Power'**

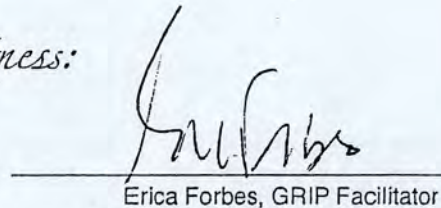
GRIP is a one year, Comprehensive Offender Accountability Program that teaches participants how to stop and transform their violence, develop emotional intelligence, cultivate mindfulness, and understand victim impact. Students learn to master the skills to commit to maintaining a lifelong pledge of nonviolence and peacekeeping.

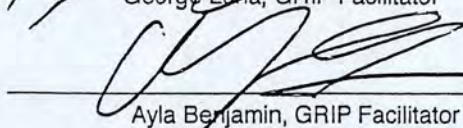


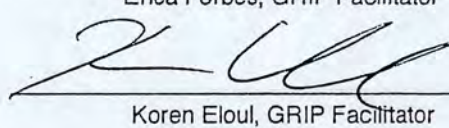
Granted on June 8, 2018

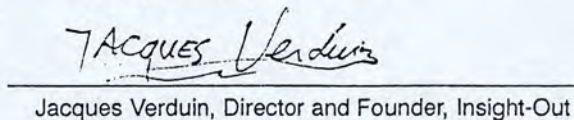
*In Witness:*

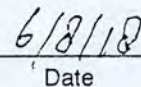
  
George Luna, GRIP Facilitator

  
Erica Forbes, GRIP Facilitator

  
Ayla Benjamin, GRIP Facilitator

  
Koren Eloul, GRIP Facilitator

  
Jacques Verduin, Director and Founder, Insight-Out

  
Date





*This is to certify that*

*Robert Lionel Sanford*

*has successfully completed a series of*

**WORKSHOPS in the CREATIVE PROCESS**

*[Signature]* *[Signature]* *[Signature]*

*[Signature]* *[Signature]* *[Signature]*

*Red Ladder Theatre Company*





The Grip Training Institute

Lead Facilitator/Consultant

George Luna Sr.  
Lead Facilitator/Consultant  
georgeluna141@gmail.com  
(408) 843-0628

www.insight-out.org

To: Whom It May Concern;

Greetings and salutations are extended your way and allow me to express my deep appreciation for you taking time in your busy day to address this letter. Allow me to introduce myself and inform you as to why am writing you. My name is George Luna Sr. and I work for *The Insight-Out Organization* who has worked at numerous of California's State Prisons teaching a selected few of individuals the **GRIP** (Guiding Rage into Power) curriculum for **The Grip Training Institute**; which was developed by Mr. Jacques Verduin Founder/Dir. of the before mentioned. Our curriculum focuses on four main components in transforming an individual's way of responding...instead of reacting. 1) Stop and Transform Their Violence. 2) Cultivate Mindfulness. 3) Develop Emotional Intelligence. 4) Understand Victim Impact. These are the components that will aid in transforming a former incarcerated man into a once again productive part of, and citizen back in our society.

This letter is on behalf of an individual who is now in the participation phase of our highly successful curriculum and will soon be **A Proud Graduate** as of June 8, 2018. Mr. Robert L. Sanford CDCR#V-25176, who resides at CPF Soledad State Prison housing number D-6-32 low. Robert has been a member of our first selected "Tribe of 25 Motivated Inmates" there on S- yard working towards a change in their life for the better. Robert has actively taken part in all group discussions, as well as he is always contributing within his small breakaway group (which I personally facilitate) and also always actively participates in our large group discussions. Mr. Sanford has been an absolute asset to our group, and very willing to participate in putting into practice our curriculum in his everyday life. Our ultimate goal is for a **Successful Transition** and a **Well-Earned Graduation**. It is of my opinion that Mr. Robert Sanford is a forthright and determined individual who wants to make a positive impact and difference in the world for the better good of his fellow citizens. In my view, Robert is a very caring hearted man who has taking full responsibility for his actions and is ready to move on with new beginning and start giving back for any harm that he may have caused or may have brought to his community. Mr. Sanford was a very strong and engaging member of our tribe; who was always willing to share and help others so they too can make a positive transition.

It is of my professional opinion that Mr. Robert Sanford would be a suitable candidate to be released back into society, and I would have no qualms with a man like Mr. Sanford living within my community, and he would be most welcomed in my neighborhood as well. I totally support Mr. Sanford upon his path and am very proud of the hard work that he has put forth. Mr. Sanford has my full support; a strong support system is paramount and one of the most valuable aspects of re-assimilating and to rehabilitate an individual. Robert has my personal information and can call upon me at any time; whether it be for counsel, or guidance, or whether it be just to be heard... I stand shoulder to shoulder with Mr. Sanford, thank you for taking this time in your busy day, and I pray that your decision may look favorably upon this good man." **Success is only obtained through hard work**". Mr. Sanford has put forth the hard work, and in my view is now a man of peace and deserves an opportunity to show his value and worth to his community, and our world. Any questions please do not hesitate to contact me for further information.

Respectfully:

Dated: 5-10-18



Dear GRIP CTF Graduate:

Attached is the letter regarding Domestic Violence qualification that we promised. We understand from the CRM's office that they cannot put them into your C-file. However, we wanted to make sure you had a copy of the information for your own files. Thank you!

August 20, 2018

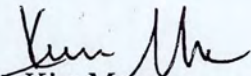
To Whom it May Concern:

Insight-Out, as the organization that runs the GRIP Program (Guiding Rage into Power), is certified through the Marin County Probation Department as a Batterers' Prevention Program Provider. This means that in Marin County, by successfully completing the GRIP curriculum for 52 consecutive weeks (104 hours), class attendees legally satisfy the obligations of an anger management or domestic violence program, as ordered by the court or as requested at the behest of a parole agent's stipulations.

Currently, Insight-Out's GRIP Program is only registered at Marin County as a DV program provider. Though technically a GRIP graduate outside Marin County has completed the same program, we wish to be transparent that we are certified only in Marin.

Inmate Robert Sanford CDCR# V25176 has graduated from the GRIP Program at Correctional Training Facility, in June 2018. *Sanford*

For the GRIP Program,

  
Kim Moore

GRIP/CTF Prison Coordinator and Facilitator  
GRIP Training Institute



Student Name: Sanford, Robert L.	Student ID: C02110696	<b>Messages:</b>
Sanford, Robert L. INMATE V-25176 (FAC 3 113L) CCI TEHACHAPI PO Box 107 Tehachapi, CA 93581-0107  RETURN SERVICE REQUESTED		Message 1: The student bears responsibility to contact the instructor regarding grade issues.

Course Name	Course Number	Section	Campus	Course Title	Grade	Credit Hours	Earned Hours	GPA Hours	Grade Points	Term GPA
BUS	C110	001	C	Bus Law/Legal Environment	C	3.00	3.00	3.00	6.00	
BUS	C120	002	C	Personal Finance	I	3.00	0.00	0.00	0.00	
BUS	C222	002	C	Entrepreneur & Sm Bus Ops/Mgt	D	3.00	3.00	3.00	3.00	
							<b>Total</b>	6.00	6.00	9.00 1.50

Major	Academic Standing
LibArts: Social&Behavio	CCC Probation by Cum GPA
Level	Term
Coastline Undergraduate	CCC Intersession/Spring 2020

<b>Cumulative</b>	9.00	9.00	15.00	1.67
<b>Transfer</b>				
<b>Overall</b>	9.00	9.00	15.00	1.67

EXPLANATION OF GRADES	
A -- Outstanding	L -- Listener/Auditor
B -- Good	O -- Official Withdrawal
C -- Average	*AE
D -- Deficient	*BE
F -- Failed	*CE
W -- Withdawal	*SE
I -- Incomplete	*RE
In order to become passing grades, incompletes must be fully satisfied by the end of the next semester.	(*Not included in GPA)



December 11, 2018

Re: Mr. Robert Sanford, Correctional Training Facility – Inmate #V25176

Dear Parole Board Members:

We hope you find this letter helpful in answering an important question: *Is Mr. Sanford ready to reenter society and function as a law-abiding citizen?* We are proud to report that Mr. Sanford has successfully completed Defy Ventures' rigorous reentry preparation program, CEO of Your New Life ("CEO YNL").

Through CEO YNL, Mr. Sanford built employment readiness skills, engaged in character development and personal wellness introspection, planned for viable reentry, and learned fundamental entrepreneurial concepts. CEO YNL training, used nationally in prisons, specifically addresses criminal thinking errors such as lack of effort and responsibility through courses such as "Developing a Career Plan" and "Self-Limiting Beliefs," and combats closed channel thinking by building in repeated opportunities for feedback and revision. Notably, Mr. Sanford developed a resume, learned how to write a cover letter, and engaged with our diverse and influential group of regular volunteers in preparation for re-entering society and the workforce.

By taking the initiative to participate in Defy Ventures' CEO YNL program, Mr. Sanford will establish his credibility with potential employers and be supported in successful reentry. Defy's curriculum includes 100 courses taught by some of the country's leading experts.

Mr. Sanford is invited to apply to Defy Ventures' post-release program, which will provide:

- Strong **accountability** through continued online training and assignments
- Connection to **pro-social activities**
- **Employment assistance and job placement**
- **Executive mentoring and coaching** from business professionals, invitations to events, and a **dedicated support network**

We stand proudly behind the accomplishments of our participants. Defy's post-release recidivism rate of less than 5% demonstrates that our participants are committed to pursuing brighter futures and equipped with the tools to do so. We have high expectations for Mr. Sanford's success. Not everyone has the perseverance, discipline, and courage to engage in the deep self-reflection required to participate in CEO of Your New Life and continue to engage upon release. We know these traits will serve Mr. Sanford well.

We look forward to continuing Mr. Sanford's training and support. Defy Ventures will be there with encouragement and actionable advice from staff members and our post-release community of Executive Mentors whenever it is needed.

Thank you very much for your consideration. Please contact me directly with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Carrie Simon".

Carrie Simon  
Executive Director, Defy of Northern California





Waco, Texas

# Hankamer School of Business

## Certificate in Career Readiness

Presented to

**Robert Sanford**

This First Day of October in the year  
Two Thousand Eighteen



*Timothy R. Kayworth*

Timothy R. Kayworth, PhD. Associate Dean

*Andrew Glazier*

Andrew Glazier, President & CEO, Defy Ventures



DEFY  
OF NORTHERN CALIFORNIA

UPON THE RECOMMENDATION OF THE STAFF AND BY AUTHORITY OF THE  
GOVERNING BOARD, THIS

## CERTIFICATE OF COMPLETION

IS CONFERRED UPON

**ROBERT SANFORD**

FOR SATISFACTORILY COMPLETING THE REQUIREMENTS AS PRESCRIBED FOR  
INTRO TRAINING OF THE CEO OF YOUR NEW LIFE PROGRAM FROM DEFY VENTURES  
AND AWARDED WITH ALL THE RIGHTS AND PRIVILEGES PERTAINING THERETO.

13<sup>TH</sup> OF SEPTEMBER, TWO THOUSAND AND EIGHTEEN



Carrie Simon  
Executive Director, Northern California



# DEFY

UPON THE RECOMMENDATION OF THE STAFF AND BY AUTHORITY OF THE  
GOVERNING BOARD, THIS

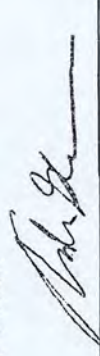
## CERTIFICATE OF COMPLETION

IS CONFERRED UPON

### ROBERT SANFORD

FOR SATISFACTORILY COMPLETING THE REQUIREMENTS AS PRESCRIBED FOR  
WHITE BELT OF THE CEO OF YOUR NEW LIFE PROGRAM FROM DEFY VENTURES  
AND AWARDED WITH ALL THE RIGHTS AND PRIVILEGES PERTAINING THERETO.

7<sup>TH</sup> OF NOVEMBER, TWO THOUSAND AND EIGHTEEN



Andrew Glazier  
CEO, Defy Ventures



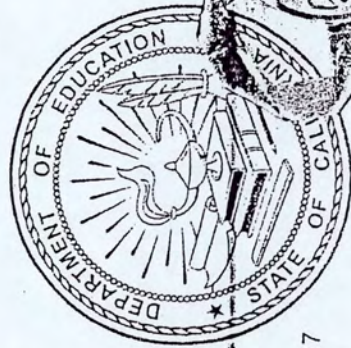
20160202-5026-9156

State of California  
High School Equivalency Certificate

This is to certify that

ROBERT L SANFORD

has met the standard of performance established by the California State Board of Education  
for successful completion of the High School Equivalency Tests and is, therefore,  
entitled to this High School Equivalency Certificate.



June 05, 2017

Tom Tonkason  
State Superintendent of Public Instruction

Michael W. Kint  
President of the  
California State Board of Education





TESTING SERVICE\*

# OFFICIAL GED® TRANSCRIPT

Issued by the GED Testing Service as of 06/05/2017

*Martini D. Keku*  
Martin Keku  
Vice President, Assessment Services

## CANDIDATE INFORMATION

CANDIDATE NAME: SANFORD  
ADDRESS: PO Box 686  
CITY: Soledad  
ID NUMBER: 20160202-5026-9156  
TESTING JURISDICTION: California

FIRST NAME: ROBERT  
ADDRESS2:  
STATE: CA  
DATE OF BIRTH: 11/29/1963  
PASS DATE: 06/05/2017

MIDDLE: L  
POSTAL CODE: 93960  
COUNTRY: US  
PHONE: 9095971821

Click on a test subject area or performance level for more detailed information

## TEST RESULTS

	LANGUAGE	DATE	SCORE*	PERFORMANCE LEVEL	STATUS	PERCENTILE RANK
Mathematical Reasoning	English	05/16/2016	147	GED®	PASS	22
Social Studies	English	02/10/2016	151	GED®	PASS	31
Reasoning Through Language Arts	English	06/05/2017	150	GED®	PASS	30
Science	English	06/08/2016	150	GED®	PASS	28

TOTAL 598

OVERALL  
PASS

\*The scores on the report are the highest scores achieved by the candidate and not necessarily the most recent. If retest scores are lower than scores previously achieved, the retest scores are not reported.

To learn more about score scales and content descriptions please visit [www.GEDtesting-service.com/transcriptinfo](http://www.GEDtesting-service.com/transcriptinfo)

Order additional transcripts from [www.GED.com](http://www.GED.com)

Official transcript issued under the auspices of GED Testing Service.  
GED® and GED Testing Service® are registered trademarks of the American Council on Education.  
They may not be used or reproduced with the express written permission of ACE or GED Testing Service.  
The GED® and GED Testing Service® brands are administered by GED Testing Service LLC under license from the American Council on Education.

Copyright © 2013 GED Testing Service LLC. All rights reserved.

Columbia College  
Twyla Olsen, M.A.

Argumentation and Debate CSPCOM-2 4284  
Spring Semester 2020

**Sanford, Robert**                      **Final Grade = B**

**Progress and Feedback:**

**Argumentative Essay** –Your work demonstrated outstanding research to support your logic on the selected topic. You investigated the subject matter and demonstrated a good understanding of your topic. I'm enjoyed watching your academic growth in class. I hope you continue to develop your communication skills both orally and written. You speaking and debating skills really put you in the top of the class.

**Debate and Brief;** Keep practicing your skills.

**Chapters and Questions** – answered adequately.

Continue practicing public speaking and debate. I enjoyed your enthusiasm in class. I also saw skill development and you were beginning to really understand debate skills and their dynamics. Keep the good work going!

Good work this semester.

Professor Olsen



## Assessment Summary & Scores

Course: **BUS110-92578**  
 Student Name: **Robert Sanford**  
 Student ID: **C02110696**  
 Final Grade: **C**

**Robert Sanford**  
 INMATE V-25176  
 SIERRA CONSERVATION CENTER  
 5150 O'byrnes FERRY ROAD  
 JAMESTOWN, CA 95327

\* Please be aware that scores are subject to change pending incoming assignments.  
 \*\* Refer to the Course Grade Scale in the Student Handbook to determine the final letter grade.

Assignments & Exams	Points Earned	Points Possible
<i>SLC1</i>	0	0
Quiz1	27	40
Quiz2	28	40
Quiz3	25	40
Quiz4	26	40
Midterm1	120	160
MTEssay1	36	40
Final1	142	200
<i>Xtral</i>	0	0
<b>Points Total</b>	<b>404</b>	<b>560</b>



INMATE COPY

CALIFORNIA DEPARTMENT of  
Corrections and Rehabilitation

09/29/2021

**RELEASE DATE CHANGE NOTICE**

<b>INMATE NAME:</b> SANFORD, ROBERT LIONEL	<b>CDC #:</b> V25176
<b>FACILITY:</b> CCI-Facility D	<b>HOUSING:</b> D 00132 - 000034L
<b>ASSIGNED CASE RECORDS ANALYST:</b> A. Castaneda	<b>REASON FOR RELEASE DATE CHANGE:</b> Not available <i>MSCs</i>
<b>ASSIGNED CORRECTIONAL COUNSELOR:</b> J. Gonzalez	
<b>CONTROLLING RELEASE DATE</b>	<b>TYPE OF DATE</b>
<b>BEFORE:</b>	
<b>AFTER:</b> 10/13/2025	EPRD

# CERTIFICATE OF PARTICIPATION

THIS CERTIFICATE IS PRESENTED TO

**R. SANFORD, V25176**

FOR PARTICIPATION AND COMPLETION OF  
FRESH START'S RE-ENTRY WORKSHOP'S.

February 07, 2017

A. Little  
Chairperson

A. Davila  
Group Sponsor

Name and Number Sanford

V25176

CDC-128-B

The GRIP Program Facilitators commends inmate Robert Sanford for the achievement of graduating from the GRIP Program on June 2, 2018. The GRIP program is a one year intensive that functions as a Comprehensive Offender Accountability Program. The Program consists of a transformational re-education modality that commits the participants to a process of deep self-inquiry and healing. The program examines the origins of criminogenic conduct and undoes the characteristic destructive behavioral patterns (including addiction) that lead to transgressions. The 4 elements of the program are: 1. Stopping and transforming my violence. 2. Developing Emotional Intelligence. 3. Cultivating mindfulness. 4. Understanding Victim Impact. Participants talk about their commitment offense and investigate exactly which behavioral factors led to the crime. This cognitive-behavioral intervention leads to students learning how to take full responsibility for both their past and current behaviors.

**INMATE COPY**
  
 Jacques Verduin, GRIP Facilitator and Director

Date: July 12, 2018

(Graduate Chrono GRIP Program)

General Chrono

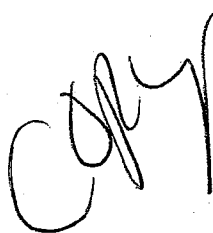
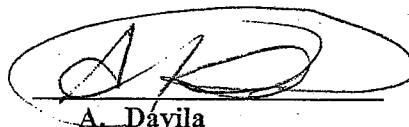
 Department of Corrections  
 CDC-128-B (8-87)

NAME and NUMBER: SANFORD V25176

D5-62L

Inmate SANFORD has been actively participated in the CTF-Facility D FRESH START inmate Leisure Time Activity Group program. He has completed the FRESH START "Curriculum of community resources that will assist inmates with the challenges of reintegrating back into mainstream of society." FRESH START is an 8 week self-help program that stresses the use of "Transitional Re-Entry Programs." Completion of this program demonstrates, Inmate SANFORD has the desire and ability to learn and gain skills that will be of benefit to him, to have a successful re-entry, and stability in the community.

 cc: C-file  
 Inmate  
 Group File

 A. Davila  
 Primary Sponsor  
 Correctional Training Facility

Date: 02/07/2017

General Chrono

NAME: SANFORD, ROBERT LIONEL

CDC#: V25176

HOUSING: A-15-12L

128C (Rev 3/01)

**PROCEDURE / SURGERY****COLONOSCOPY**

In preparation for an upcoming medical procedure, your physician would like you to stop taking any of these medications on **March 7, 2022. Continue taking any medications not listed below.** You may resume these medications after your procedure is completed unless you are told differently by an MD.

- 1) Do not take **ASPIRIN, IBUPROFEN (MOTRIN), NAPROSYN**, or any anti-inflammatories, including **INDOMETHACIN**
- 2) It is okay to take plain **ACETAMINOPHEN (TYLENOL)**
- 3) Do not take **PLAVIX** or **COUMADIN / WARFARIN**

---

**SANFORD, ROBERT LIONEL**

Orig: MED-File

cc: Inmate

DATE: 3/7/2022

SIERRA CONSERVATION CENTER

---

**RN/LVN Signature**

EFFECTIVE COMMUNICATION WAS ACCOMPLISHED BY:			
Disability Code:		Accommodations:	Effective Communication:
<input type="checkbox"/> TABES4.0	<input type="checkbox"/> LD	<input type="checkbox"/> Additional Time	<input type="checkbox"/> Reached * <input type="checkbox"/> Not Reached
<input type="checkbox"/> OPH	<input type="checkbox"/> DNH	<input type="checkbox"/> Equipment <input type="checkbox"/> SLI	<input type="checkbox"/> P/I asked questions
<input type="checkbox"/> DPS	<input type="checkbox"/> DNS	<input type="checkbox"/> Louder <input type="checkbox"/> Slower	<input type="checkbox"/> P/I summed questions
<input type="checkbox"/> DPV	<input type="checkbox"/> DDP	<input type="checkbox"/> Basic <input type="checkbox"/> Transcribe <input type="checkbox"/> Other	*SEE NOTES
Comments:			
Tab 11.3 (9/19/17)			



DIVISION OF ADULT INSTITUTIONS  
CALIFORNIA CORRECTIONAL INSTITUTION  
P.O. Box 1031  
Tehachapi, CA 93581-1031



August 31, 2021

Inmate Sanford, V25176  
California Correctional Institution  
Facility E, BH-20L  
P.O. Box 107  
Tehachapi, CA 93581

Mr. R. L. Sanford:

This letter is in response to your correspondence addressed to California Department of Corrections and Rehabilitation (CDCR) Secretary Kathleen Allison, Division of Adult Institutions (DAI) Director Connie Gipson, and California Correctional Institution (CCI) Warden (A) Brian Cates in regards to the closure of Secure Level I, Facility E at CCI. Your letter states your due process is being violated by Warden (A) Cates as he is implementing forced transfers of Facility E.

Your letter expresses concern over due process violations, as it pertains to the closure of Facility E at CCI. Specifically, you state inmates are not receiving a 72 hour notice prior to the Classification Committee when the committee pertains to a review for placement into Level II as a Level I inmate. You state this is a violation of California Code of Regulations (CCR), Title 15, Sections 3375, Classification Process and Section 3375.2(a)(15) Administrative Determinants and Department Operations Manual 62010.4.2 Inmate Notices. You also add that there has been no implementation of the closure of Facility E at CCI by the Senate Select Committee and as such, Warden (A) Cates is circumventing policy by adversely placing inmates out of level, without adequate notice or reason.

Per DAI Population Management Unit, the directive was given to CCI for the closure of Secure Level I, Facility E by September 26, 2021. In order to meet the deadline established by this directive, inmates currently housed on Level I are being moved to Level II pending committee review for appropriate transfer recommendation. Upon review of your last committee dated May 27, 2021, a discrepancy was identified in which you were incorrectly referred to the General Population Institution Classification Committee for gate pass and fire camp approval. Therefore, you have been scheduled for Unit Classification Committee (UCC) on September 2, 2021, for a Program/Transfer Review. You were served your Notice of Classification Hearing on August 27, 2021. You are currently still housed on Facility E, Secure Level I. However, you will be temporarily housed at Level II, pending transfer review and endorsement by the Classification Staff Representative (CSR).

CDCR houses inmates in accordance with California Penal Code (PC) 5068. PC 5068 notes that a prisoner shall be assigned to an institution of the appropriate security level, unless other classification factors make such a placement unreasonable. PC 5068 states "reasonable" includes the availability of institutional programs and housing. As a result of the closure of Facility E, housing will no longer be available, resulting in your temporary move to Level II.

The CDCR classifies inmates by reviewing their case factors, which are based on: length of term, classification score, commitment offense, medical needs, psychiatric needs, and appropriateness of current housing and availability of housing at other institutions. The classification process was established to house inmates in a security level facility consistent with their points and one best suited to protect the inmates, staff and the public. A CSR will make the



Sanford, V25176

Page 2

final determination regarding the transfer recommendation made by the UCC. In an effort to meet population management needs, CDCR may be required to deny transfer requests and/or cause the involuntary transfer of an inmate.

You state in your letter that you are being placed in a dangerous condition by being placed out of level. Your UCC will make the appropriate recommendation for transfer based on your case factors. In the interim, should you have any safety concerns, please advise staff immediately. You have attached a copy of a CDCR 602 form dated August 12, 2021. The Office of Grievances at CCI, sent you an OOG Acknowledgement of Receipt and Closure of Grievance dated August 13, 2021, rejecting your claim due to the claim being anticipatory as you are still housed on Facility E.

If you have any further questions or concerns, please contact L. Lantz, Correctional Counselor II.



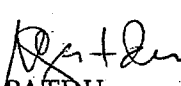
B. CATES (4)  
Warden (A)  
California Correctional Institution

cc: P. Horn, Chief Deputy Warden  
B. Sanders, Associate Warden, Facilities D and E  
R. Lesina, Captain, Facility E  
Electronic Record Management System/Central File  
Tic: 21-186

SANFORD V25176

CDC 128-B

This chrono is submitted to give recognition to inmate Sanford (V25176). Inmate Sanford has demonstrated an exemplary work as Law Library Clerk in the Main Law Library since January 2019 - up to present. Inmate Sanford has proven to be a hard worker and can do a multi-task job while helping inmates who need help in their legal matters. He's always keen to learn new things and unselfishly share new knowledge to everybody. His experience, knowledge, cooperation and willingness have been extremely helpful in maintaining an effective and efficient library environment rendering quality services to staff, workers and users. Inmate Sanford is a valuable asset in the Main Law Library, and in my opinion, will be so in whatever he chooses to do in the future.

  
M. PATDU  
Librarian-Main Library  
Sierra Conservation Center  
Ext. 5306

December 28, 2019

Laudatory Chrono

OFFICE OF THE SECRETARY  
PO Box 942883  
Sacramento, CA 94283-0001



January 12, 2022

Inmate Name: Sanford

CDCR NUMBER: V25176

Institution/Facility:

SCC-Facility A 001C1-0360112

Re: Penal Code (PC) Section 1170(d)(1) Criteria and Review

The California Department of Corrections and Rehabilitation (CDCR) recognizes that the Agency Secretary may recommend to a sentencing court that an inmate's current commitment be recalled and the court resentence the inmate pursuant to PC 1170(d)(1).

The CDCR Recall and Resentence Recommendation Program (RRRP) will only accept and review referrals based upon exceptional conduct from institutional Wardens. The RRRP does not accept self-referrals or referrals from inmate family, friends, or attorneys. The decision to initiate a referral is discretionary, and any questions or concerns should be addressed through local resources at your assigned institution. You are encouraged to remain disciplinary-free and continue progressing in your rehabilitative journey, should your case be referred by a Warden in the future.

If your case was previously submitted by the institution for an exceptional conduct review, please be patient with the process as the list is extensive. Once your case is reviewed by the RRRP, you will receive only one status update from our office through institutional mail, to advise you that your case has either been denied or approved by the Secretary. Please keep in mind, that if your case is approved and referred to the court for resentencing, the court is under no obligation to respond to or initiate any court action related to the recommendation.

If your inquiry is related to your case being affected by a recent change in the law, such as Senate Bill (SB) 620 or SB 1393, know that your name has been automatically generated on a list for review. As every eligible inmate in the state is on the list, an expected timeline for review is impossible to predict.

In either of the above circumstances, there is no need to send duplicate letters. I hope this information is of assistance to you. If you have any further questions, please contact your assigned Correctional Counselor during open line hours.

*J. Chavala*

Associate Governmental Program Analyst  
Recall and Resentence Recommendation Program  
Division of Adult Institutions

*Your name does not appear on our exceptional conduct log however, it does appear on the 602(a) log. You will be notified if/when your case is referred to the courts.*



OFFICE OF THE SECRETARY

P.O. Box 942883  
Sacramento, CA 94283-0001



February 25, 2021

Robert L. Sanford  
CDC#: V25176  
California Correctional Institution BH-20L  
P. O. Box 107  
Tehachapi, CA 93581

Dear Mr. Sanford:

I am writing on behalf of the California Department of Corrections and Rehabilitation 1170(d)(1) unit in response to your letter dated January 18, 2021, in which you request that the Department recommend the recall of previously ordered sentence and commitment pursuant to Penal Code section 1170, subdivision (d)<sup>[1]</sup> (hereinafter 1170(d)(1)).

The Department is currently reviewing cases to recommend for recall of sentence pursuant to 1170(d)(1) to address Penal Code section 667, subdivision (a)(1). The selection of candidate cases and order of review is based on legislative time frames, case law, departmental resources, and is at the discretion of the Secretary.

While your suggestion that an 1170(d)(1) recommendation be issued is appreciated, the Department will select cases for review and prioritize those reviews based on the factors above. The Department will not be accepting individual requests for review at this time. Again, thank you for your correspondence.

Sincerely,

K. Harris  
Correctional Case Records Analyst  
1170(d)(1) Unit

---

<sup>[1]</sup> Providing that, upon recommendation of the Secretary of the Department, a court may recall a previously ordered sentence and commitment, and resentence a defendant in the same manner as if he or she had not previously been sentenced, provided the new sentence is no greater than the initial sentence.

DIVISION OF ADULT INSTITUTIONS  
SIERRA CONSERVATION CENTER

5100 O'Byrnes Ferry Road  
Jamestown, CA 95327



February 17, 2022

Sierra Conservation Center  
Robert Sanford, V25176  
Facility C Gym, 13L  
Jamestown, Ca 95327

Mr. Sanford:

I am in receipt of your letter dated February 10, 2022, requesting consideration of PC1170 (D) "Recall of Commitment".

It should be noted, the Recall and Resentence Recommendation Program (RRRP) does not accept self-referrals or referrals from inmate family, friends, self-help sponsors or attorneys at this time.

Nevertheless, I have contacted Classification Services Unit (CSU) whom is responsible for review of criteria for referral pursuant to PC 1170(d). They forwarded me the criteria for a referral to this unit to review for potential exceptional conduct, and the memorandum states in part;

Recommendations for Exceptional Conduct may be considered for referral pursuant to the California Code of Regulations (CCR), Title 15, Section 3076.1(a)(I), if an inmate's behavior, while incarcerated, demonstrates sustained compliance with departmental rules, regulations, and policies as well as documented evidence of prolonged participation in Self-Help, Vocational, and Educational Programming.

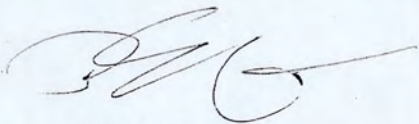
Pursuant to CCR, Title 15, Section 3076.1(2) inmates who meet the following criteria shall be **excluded** from consideration under this section:

- Required to register pursuant to PC 290
- Have served less than 10 continuous years of their current commitment from the time of reception to CDCR
- Found guilty of a serious rules violation (Divisions A – D only) within the last five years or has a serious rules violation pending adjudication
- A conviction of a single offense and is serving the low (mitigated) term for which there is no lesser-included offense, sentence enhancement, or alternative sentencing scheme (such as striking a strike) which might result in a shorter sentence if the court legally resentenced the inmate
- Determinate sentences scheduled for release within the next 18 months



- Determinate sentences eligible for parole consideration (YPED, EPED, NPED) within the next 18 months or have already been afforded parole consideration regardless of the BPH's decision
- Indeterminate sentences that have already been afforded a parole suitability hearing, regardless of the BPH's decision or those that are scheduled for an initial parole suitability hearing within the next 18 months
- Condemned sentences
- Life Without the Possibility of Parole sentences
- No prolonged participation in rehabilitative programming

I have reviewed the Strategic Offender Management System (SOMS) and Electronic Records Management System (ERMS) in regards to your request. Unfortunately, during review of your ERMS and SOMS, there is no documentation of any prolonged participation in rehabilitative programming. I encourage you to sign up for voluntary classes at Sierra Conservation Center by contacting our Community Resources Manager and DRP Program ISUDT Nurse for enrollment. I have attached a list of available classes at Sierra Conservation Center. Therefore, taking into account the criteria noted above you are currently not a candidate for recommendation. I encourage you to remain disciplinary free and continue on your path of rehabilitation.



PATRICK EATON  
Warden

Attachment



## DIVISION OF ADULT INSTITUTIONS

## SIERRA CONSERVATION CENTER

5100 O'Byrnes Ferry Road  
Jamestown, CA 95327



March 25, 2022

Sierra Conservation Center  
Robert Sanford, V25176  
Facility A 15-12L  
Jamestown, Ca 95327

Mr. Sanford:

I am in receipt of your letter dated March 11, 2022, in response to Warden's letter dated February 17, 2022, regarding Penal Code 1170 (D) "Recall of Commitment."

I again reviewed the Strategic Offender Management System (SOMS), Electronic Records Management System (ERMS) and the copies of letters and certificates you have provided. Unfortunately, I can only utilize the documents that are scanned in your ERMS and SOMS files. I previously provided a list of available voluntary classes and encouraged you to reach out to our Community Resources Manager (CRM) and Division of Rehabilitative Program (DRP) Integrated Substance Use Disorder Treatment (ISUDT) Nurse for enrollment. I confirmed with the E. Dickson, CRM (A) and she received your request dated March 4, 2022, for enrollment in Alcoholics Anonymous, Narcotics Anonymous, Anger Management, Responsible Fatherhood, Art, Mental Health and Physical Health cases. You are now on their wait lists and will be assigned when it becomes available. I also confirmed with T. Roberge, DRP ISUDT Nurse, and she did not receive your request for enrollment. She requested you fill out a CDCR Form 7362, Sick Call Slip so you can be evaluated for enrollment.

Thank you for following my recommendations and signing up for rehabilitation classes offered at Sierra Conservation Center. I reaffirm my previous decision dated February 17, 2022, due to the lack of prolonged participation of rehabilitative programming and encourage you to remain disciplinary free and continue on your path of rehabilitation.

A handwritten signature in black ink, appearing to read "Patrick Eaton", is located below the main body of the letter.

PATRICK EATON  
Warden  
Sierra Conservation Center



STATE OF CALIFORNIA — DEPARTMENT OF CORRECTIONS AND REHABILITATION

EDMUND G. BROWN JR., GOVERNOR

**DIVISION OF ADULT INSTITUTIONS**

1515 S Street, Sacramento, CA 95814  
P.O. Box 942883  
Sacramento, CA 94283-0001



November 5, 2018

Robert Sanford/V25176  
CTF Soledad  
PO BOX 689 (D6-32L)  
Soledad, CA 93960

RE: 1170(d) Criteria and Review

To inmate Sanford,

This is in response to your letter requesting you be considered for a Penal Code 1170(d) Recall and Resentence consideration.

The Department of Corrections and Rehabilitation recognizes the Agency Secretary may recommend to a sentencing court that the sentence and commitment previously imposed on an inmate be recalled and that the court resentence the inmate.

Currently, the department receives referrals from the institution directly via the Classification and Parole Representative. We are not accepting self-referrals or referrals from friends or family at this time, but encourage you to remain disciplinary-free, and continue your rehabilitative journey should your case be referred to us in the future.

I hope this information is of assistance to you. If you have any further questions please feel free to contact Captain M. Masters, at [CDCR-DAI-1170-D-Recall-of-Sentence@CDCR.CA.GOV](mailto:CDCR-DAI-1170-D-Recall-of-Sentence@CDCR.CA.GOV).

A handwritten signature in black ink, appearing to read "Stephanie Lacy".

STEPHANIE LACY  
Correctional Counselor III  
1170(d) Project Unit  
Division of Adult Institutions



Robert L. Sanford  
Wash #55  
Grubbsburg Conservation Camp #33  
5440 Langview Lane  
Georgetown, CA 95634-9318

MAIL NOT SUBMITTED, PROCESSED  
OR VERIFIED AS LEGAL MAIL -  
PROCESSED AS REGULAR MAIL

To: Office of the Attorney General For  
The State of California  
Attn: Colin A. Shaff  
300 S. Spring Street, Suite 1702  
Los Angeles, CA 90013

SIERRA CONSERVATION CENTER  
CA STATE PRISON GENERATED MAIL



US POSTAGE  
ZIP 95327 \$002.96  
02 4M  
0000353643 MAY 11 2022



# EXHIBIT O





Superior Court of California  
County of Kern  
Bakersfield Division H

Date: 05/26/2022

Time: 8:30 AM - 12:00 PM

BCV-21-100477

SANFORD VS NEWSOM

Courtroom Staff

Honorable: Bernard C. Barmann, Jr.

Clerk: Vanessa Cofield

Court reporter: None

Balliff: Deputy Sheriff

**PARTIES:**

**Present:**

SANFORD, ROBERT L. Plaintiff, Present  
ALLISON, KATHLEEN Defendant, Not Present  
BANICA, U Defendant, Not Present  
CATES, B. Defendant, Not Present  
DIAZ, RALPH M Defendant, Not Present  
NEWSOM, GAVIN Defendant, Not Present  
SANDERS, B. Defendant, Not Present  
SCHUYLER, C. Defendant, Not Present  
SHIESHA, S Defendant, Not Present

Pro Per  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present  
SHAFF, COLIN A Attorney, Present

**Not Present:**

WARDEN BRIAN CATES Defendant  
CALIFORNIA CORRECTIONAL INSTITUTION (CCI) CDCR  
Litigation Coordinator

Appearance telephonically by courtcall by Robert L. Sanford in propria persona.

Appearance telephonically by courtcall by Collin A. Shaff on behalf of defendants C. Schuyler and Gavin Newsom.

**NATURE OF PROCEEDINGS: DEMURRER / FURTHER CASE MANAGEMENT CONFERENCE**

**Hearing Start Time: 8:30 AM**

The above-entitled cause came on regularly on this date and time with parties and/or counsel appearing as reflected above.

Tentative announced in open court.

Matter argued by counsel and submitted.

The Court makes the following findings and orders:

The clerk's minutes will memorialize the fact that both counsel received verbal notice of the Court's ruling.

Defendants Demurrer to Second Amended Complaint is sustained without leave as to the first and second causes

MINUTES  
Page 1 of 3

SANFORD VS NEWSOM

BCV-21-100477

of action. Demurrer is sustained to the Federal Claims with 90 days leave to amend as to the first cause of action only.

Case Management Conference is continued to 09/27/22 at 8:30 a.m. in Division H.

The Court authorizes telephonic appearance by courtcall by plaintiff on 09/27/22 at 8:30 a.m.

The civil fast track clerk to notify courtcall re: authorization of the Court for plaintiff to appear telephonically.

A certified copy of minutes mailed to California Correctional Institution, Attention Litigation Coordinator as stated on the attached declaration of mailing.

Counsel for defense to prepare an order pursuant to CRC Rule 3.1312.

Copy of minutes are mailed to all parties as stated on the attached certificate of mailing.

**FUTURE HEARINGS:**

September 27, 2022 8:30 AM Further Case Management Conference  
Bakersfield Division H  
Sheriff, Deputy  
Barmann, Bernard C., Jr.

---

MINUTES FINALIZED BY: VANESSA COFIELD

ON: MAY 27, 2022

SANFORD VS NEWSOM  
BCV-21-100477

**CERTIFICATE OF MAILING**

The undersigned, of said Kern County, certify: That I am a Deputy Clerk of the Superior Court of the State of California, in and for the County of Kern, that I am a citizen of the United States, over 18 years of age, I reside in or am employed in the County of Kern, and not a party to the within action, that I served the *Minutes dated May 27, 2022* attached hereto on all interested parties and any respective counsel of record in the within action by depositing true copies thereof, enclosed in a sealed envelope(s) with postage fully prepaid and placed for collection and mailing on this date, following standard Court practices, in the United States mail at Bakersfield California addressed as indicated on the attached mailing list.

Date of Mailing: May 27, 2022

Place of Mailing: Bakersfield, CA

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

**Tamarah Harber-Pickens**  
CLERK OF THE SUPERIOR COURT

Date: May 27, 2022

By: Vanessa Cofield  
Vanessa Cofield, Deputy Clerk

**MAILING LIST**

ROBERT L SANFORD  
GROWLERSBURG CONSERCATION CAMP #33  
5440 LONEVIEW LANE  
GEORGETOWN CA 95634-9318

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

CALIFORNIA CORRECTIONAL INSTITUTION CCI  
ATTN LITIGATION COORDINATOR  
PO BOX 1031  
TEHACHAPI CA 93581

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF KERN

JUSTICE BUILDING  
1215 TRUXTON AVENUE  
BAKERSFIELD, CA 93301-4619

RETURN SERVICE REQUESTED

COLIN A SHAFF  
OFC ATTORNEY GENERAL  
300 S SPRING ST #1702  
LOS ANGELES CA 90013-1256

neopost  
FIRST-CLASS MAIL

05/31/2022

USPS  
\$000.53



ZIP 93301  
041L12205783

## CERTIFICATE OF SERVICE

Case Name: **Sanford, Robert L. v. Gavin  
Newsom, et al.**

Case No. **BCV-21-100477-BCB**

I hereby certify that on August 29, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(a) (FEDERAL QUESTION) AND DEMAND FOR JURY TRIAL**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On August 29, 2022, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Robert L. Sanford, CDCR No. V-25176  
Growlersburg Conservation Camp Program  
Camp No. 33  
5440 Longview Lane  
Georgetown, CA 95634-9318

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on August 29, 2022, at Los Angeles, California.

R. Velasco  
Declarant

/s/ R. Velasco  
Signature